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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE A. ORTIZ,

Plaintiff,

v.

GEORGIA PACIFIC,

Defendant.

) 1:12-cv-1033 LJO GSA

) **ORDER DENYING APPLICATION TO**
) **PROCEED WITHOUT PREPAYMENT**
) **OF FEES**
) (Documents 2)

) **ORDER REQUIRING SUBMISSION OF**
) **FILING FEE WITHIN THIRTY DAYS,**
) **OR NO LATER THAN MARCH 15, 2012**

Plaintiff Jose Ortiz is proceeding pro se in this civil action, having filed a complaint on June 26, 2012. (Doc. 1). That same date, he submitted an application to proceed in forma pauperis pursuant to Title 28 of the United States Code section 1915. (Docs. 2). A review of the application reveals that Jose Ortiz is the sole wage earner of the household. He is employed at Georgia Pacific and his wife, Celia Rivera, does not work. Plaintiff provides support to one son who is twenty years of age. Mr. Ortiz's gross income from his job per month is \$3,092.80 and his net income from is \$2,838.52. The family also receives approximately \$ 2,000.00 a month in supplemental disability insurance benefits. They currently have \$5,000.00 in savings. The family's monthly expenses is approximately \$2,765.58 and includes \$526.45 for Mr. Ortiz car

1 payment for his 2011 Camaro, a \$939.13 mortgage payment, \$800 in food expenses, \$450.00 for
2 utilities, and a \$50.00 payment to Best Buy.¹

3 Given the above, Plaintiff Ortiz's gross income is approximately \$4,838.00 monthly
4 which is \$58,056.00 annually (\$4838.00.00 x 12). The federal poverty guidelines provide that a
5 annual salary greater than \$19,090.00 for a family of three does *not* fall below the poverty line.
6 (See <http://aspe.hhs.gov/poverty/12poverty.shtml>.) The calculation is made based upon gross
7 income. (See <http://www.census.gov/hhes/www/poverty/about/overview/measure.html>.)
8 Therefore, this Court finds Plaintiff is not entitled to proceed without prepayment of the \$350.00
9 filing fee.

10 **ORDER**

11 For the foregoing reasons, Plaintiff's Application to Proceed Without Prepayment of Fees
12 is DENIED. As a result, **Plaintiff shall pay the filing fee of \$350.00 no later than July 30,**
13 **2012**, in order to proceed with this action. Failure to comply with this Order will result in the
14 dismissal of this action.

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16 IT IS SO ORDERED.

17 **Dated: July 2, 2012**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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26 _____
27 ¹ Plaintiff owns his home that is valued at \$160,000.00.