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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 THOMAS GOOLSBY,

12 Plaintiff,

13 vs.

14 MATTHEW CATE, et al.,

15 Defendants.
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1:13-cv-00119-GSA-PC

ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS
(Doc. 2.)

ORDER FOR PLAINTIFF TO PAY \$350.00
FILING FEE IN FULL WITHIN THIRTY
DAYS

17 Thomas Goolsby is a state prisoner proceeding pro se with this civil rights action
18 pursuant to 42 U.S.C. §1983. Plaintiff filed the Complaint commencing this action on January
19 25, 2013. (Doc. 1.) On February 11, 2013, Plaintiff consented to Magistrate Judge jurisdiction
20 in this action pursuant to 28 U.S.C. §636(c), and no other parties have made an appearance.
21 (Doc. 4.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of
22 California, the undersigned shall conduct any and all proceedings in the case until such time as
23 reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

24 On January 25, 2013, Plaintiff filed a motion to proceed in forma pauperis pursuant to
25 28 U.S.C. § 1915. (Doc. 2.) It appears, from a review of Plaintiff's application and the
26 certified copy of his prison trust account statement, that Plaintiff can afford the costs of this
27 action. Plaintiff's evidence shows that the average monthly deposit in Plaintiff's account for
28 the six-month period immediately preceding the filing of the complaint was \$220.83, and the

1 average monthly balance for the same six-month period was \$628.41. Id. at 5. Therefore,
2 Plaintiff's motion to proceed in forma pauperis shall be denied, and Plaintiff shall be required
3 to pay the statutory filing fee of \$350.00 for this action in full.

4 Based on the foregoing, IT IS HEREBY ORDERED that:

5 1. Plaintiff's motion to proceed in forma pauperis, filed on January 25, 2013, is
6 DENIED;

7 2. Within thirty days from the date of service of this order, Plaintiff is required to
8 pay the \$350.00 filing fee for this action in full; and

9 3. Plaintiff's failure to comply with this order shall result in the dismissal of this
10 action.

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14 IT IS SO ORDERED.

15 Dated: May 3, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE