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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROGER TALANCON,
Plaintiff,

v.

FRESNO POLICE DEPARTMENT, et al.,
Defendants.

Case No. 1:13-CV-01735-LJO-SMS

ORDER GRANTING APPLICATION
TO PROCEED *IN FORMA PAUPERIS*

(Doc. 5)

Plaintiff Roger Talancon initially sought to proceed *in forma pauperis* by a motion filed October 25, 2013. The Court denied his request, permitting amendment to clarify certain information that the Court believed was incomplete. On November 25, 2013, Plaintiff filed an amended motion to proceed *in forma pauperis*. The Court now grants his motion.

A prisoner granted the right to proceed *in forma pauperis* is nonetheless obligated to pay the statutory filing fee of \$350.00. 28 U.S.C. § 1915(b)(1). In his application to proceed *in forma pauperis*, Plaintiff declares that he is presently a prisoner. His mailing address, however, indicates that he is presently detained at the headquarters of the El Paso Sector of the United States Border Patrol, 8915 Montana Avenue, El Paso, Texas. Without additional information regarding the nature of Plaintiff's detention, the Court is unable to determine whether Plaintiff meets the definition of

1 Prisoner set forth in 28 U.S.C. § 1915(h). Accordingly, the Court orders Plaintiff to file a
2 declaration, signed under oath, disclosing the nature of his detention.

3 In summary, the Court hereby ORDERS:

- 4 1. Plaintiff's application to proceed *in form pauperis* is hereby
5 granted;
- 6 2. Within thirty (30) days, Plaintiff shall file with the Clerk of Court a
7 declaration, signed by Plaintiff under oath, setting forth the nature of his
8 detention at the headquarters of the El Paso Sector of the United States
9 Border Patrol, 8915 Montana Avenue, El Paso, Texas; and
- 10 3. In the event that the nature of Plaintiff's detention renders him a
11 "prisoner," as defined by 28 U.S.C. § 1915(h), the Court shall supplement
12 this order setting forth further the conditions to which all prisoners
13 proceeding *in forma pauperis* are subject.
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21 IT IS SO ORDERED.

22 Dated: December 4, 2013

23 /s/ Sandra M. Snyder
24 UNITED STATES MAGISTRATE JUDGE
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