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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

REGINALD RAY YORK,  
Plaintiff,  
vs.  
JEFFREY BEARD, et al.,  
Defendants.

1:14-cv-01234-LJO-GSA-PC  
Appeal case no. 17-15090

ORDER FOR PLAINTIFF TO SUBMIT  
A NEW APPLICATION TO PROCEED  
IN FORMA PAUPERIS WITH ALL OF  
THE INFORMATION REQUESTED  
(ECF No. 50.)

FOURTEEN-DAY DEADLINE

Reginald Ray York (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. On September 14, 2019, Plaintiff paid the \$400.00 filing fee for this action in full. (Court Record.) On June 8, 2016, this case was dismissed with prejudice for lack of standing, and judgment was entered, closing this case. (ECF Nos. 35, 36.)

On January 17, 2017, Plaintiff filed a notice of appeal to the Ninth Circuit Court of Appeals, case number 17-15090. (ECF No. 45.) On February 6, 2017, Plaintiff filed a handwritten motion for leave to proceed *in forma pauperis* on appeal, together with a certified copy of his prison trust account statement showing activity from 8/1/16 to 1/25/17. (ECF No. 48.)

On March 15, 2017, the court issued an order requiring Plaintiff submit a completed form application to proceed in forma pauperis, together with an affidavit claiming an entitlement to redress and stating the issues that he intends to present on appeal, within twenty

1 days. (ECF No. 49.) On March 30, 2017, Plaintiff submitted the form application and  
2 affidavit. (ECF No. 50.)

3 Plaintiff's affidavit includes all of the information requested. (ECF No. 50 at 3-4.)  
4 However, Plaintiff's form application to proceed *in forma pauperis* does not include all of the  
5 information requested.

6 **Question 3(e)** states, "Have you received any money from . . . gifts or inheritances over  
7 the last twelve months?" (ECF No. 50 ¶3(e).) Plaintiff responded, "Yes." Next, Plaintiff was  
8 asked to "describe . . . each source of money, state the amount received, as well as what you  
9 expect you will continue to receive." Plaintiff responded, "Money from family members for  
10 canteen from time to time." This response is incomplete, because Plaintiff did not state the  
11 amount received or what he expects he will continue to receive. Plaintiff must provide the  
12 missing information.

13 **Question 4** states, "Do you have cash (includes balance of checking or savings  
14 accounts)?" (ECF No. 50 ¶4.) Plaintiff responded, "Yes." Next, Plaintiff was asked to "state  
15 the total amount." Plaintiff responded, "the court has statement." This response is insufficient.  
16 It appears that Plaintiff is referring to the copy of Plaintiff's prison trust account statement  
17 which the court received on January 17, 2017. However, Question 4 is asking how much cash  
18 Plaintiff has, not how much is in his prison trust account. Plaintiff must answer whether he has  
19 cash (other than in his prison trust account) and if so, how much.

20 Plaintiff shall be provided with another form application to proceed *in forma pauperis*  
21 for completion and return to the court. Plaintiff must complete the new application, providing  
22 all of the information requested, and submit the application to the court within fourteen (14)  
23 days. Plaintiff is not required to submit another copy of his prison trust account or another  
24 affidavit, as the court already has these documents on file.

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. The Clerk is directed to send Plaintiff an application to proceed *in forma*  
27 *pauperis*;

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2. Within **fourteen (14) days** from the date of service of this order, Plaintiff is required to complete the enclosed application to proceed *in forma pauperis* and submit it to the court, providing all of the information requested, as discussed above;
3. The Clerk is directed to serve a copy of this order on the Ninth Circuit Court of Appeals; and
5. If Plaintiff fails to comply with this order, the court shall deny his motion to proceed *in forma pauperis* on appeal.

IT IS SO ORDERED.

Dated: April 13, 2017

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE