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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 BRENDA DARLENE WILSON,

9 Plaintiff,

10 v.

11 COMMISSIONER OF SOCIAL SECURITY,

12 Defendant.

Case No. 1:14-cv-01392-AWI-SAB

ORDER SETTING EVIDENTIARY
HEARING

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14 On March 5, 2015, the matter arising from Plaintiff's application to proceed in forma
15 pauperis was referred to the undersigned magistrate judge. (ECF No. 15.) Specifically, the
16 Court noted that Plaintiff filed successive applications to proceed in forma pauperis which
17 contained inconsistent information.

18 As an example, Plaintiff's first in forma pauperis application identified household income
19 which included \$497.00 in food stamps. Plaintiff's second in forma pauperis application omitted
20 any reference to food stamps in the "income" section, though it did mention \$359.00 in food
21 stamps in the "expenses" section. Plaintiff's third application identified \$359.00 in food stamps.

22 Plaintiff's first in forma pauperis application identified a son, Breland, who was
23 dependent upon Plaintiff for support. There was no reference to this son in the second
24 application, but he did reappear in the third application.

25 Plaintiff's third in forma pauperis application also added several expenses that were not
26 mentioned in the prior applications. Plaintiff's second application identified \$1,180.50 in
27 expenses whereas the third application identified \$1,672.43 in total household expenses. It is
28 unclear how Plaintiff's household spends \$1,672.43 in monthly expenses against \$1,359.00 in

1 monthly income.

2 Accordingly, the Court sets an evidentiary hearing to address two issues. First, Plaintiff
3 shall address whether reconsideration of the Court's denial of her previous applications is
4 warranted. Specifically, Plaintiff shall demonstrate "what new or different facts or
5 circumstances are claimed to exist which did not exist or were not shown upon [her prior
6 application] or what other grounds exist for the motion" and "why the facts or circumstances
7 were not shown at the time of the prior [application]." See Local Rule 230(j). Second, Plaintiff
8 shall testify as to her household's income and expenses, including but not limited to any sources
9 of income from all three members of the household, whether it be from employment, gifts, or
10 public assistance.

11 The Court will require Plaintiff to submit a written brief addressing the above issues on
12 or before April 22, 2015. Depending upon the evidence submitted in support of the brief, the
13 Court may vacate the evidentiary hearing or permit Plaintiff and her attorney to appear
14 telephonically.

15 In accordance with the foregoing, it is HEREBY ORDERED that:

- 16 1. Plaintiff shall file a written brief addressing the issues identified herein on or
17 before April 22, 2015; and
- 18 2. Plaintiff and her attorney shall appear at an evidentiary hearing on May 6, 2015 at
19 9:00 a.m. in Courtroom 9 (SAB) before United States Magistrate Judge Stanley
20 A. Boone.

21 IT IS SO ORDERED.

22 Dated: April 8, 2015

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25 UNITED STATES MAGISTRATE JUDGE
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