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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SANDRA ORTIZ, *et al.*,  
Plaintiffs,  
v.  
GERARDO ALVAREZ, *et al.*,  
Defendants.

Case No. 1:15-cv-00535-DAD-EPG

**ORDER FOR PLAINTIFF ALFONSO  
PADRON TO SUBMIT AFFIDAVIT  
PURSUANT TO RULE 4 OF THE  
FEDERAL RULES OF APPELLATE  
PROCEDURE**

(ECF No. 172)

**FOURTEEN (14) DAY DEADLINE**

On October 22, 2018, Plaintiffs Alfonso Padron and Elida Padron, proceeding *pro se*, filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit for review of this court’s order, (ECF No. 168), awarding summary judgment to Defendants Gerardo Alvarez and Youth Centers of America on Plaintiffs’ claims for intentional infliction of emotional distress, First Amendment retaliation, and wrongful termination. (ECF No. 173.) Plaintiff Alfonso Padron also filed an application to proceed *in forma pauperis* on appeal. (ECF No. 172).

Pursuant to Rule 24(a)(1) of the Federal Rules of Appellate Procedure, “a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that: (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party’s inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal.” Fed. R. App. P.

1 24(a)(1).

2 The Court finds that the application to proceed *in forma pauperis* satisfies Federal Rule of  
3 Civil Procedure 24(a)(1)(A). However, Alfonso Padron has failed to provide an affidavit that  
4 claims he is entitled to redress and that states the issues he intends to present on appeal.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Within fourteen days from the date of service of this order, Alfonso Padron must  
7 submit an affidavit that claims an entitlement to redress and states the issues he  
8 intends to present on appeal;
- 9 2. The Clerk of Court is directed to serve a copy of this order on the Ninth Circuit  
10 Court of Appeals; and
- 11 3. If Plaintiff fails to comply with this order, the Court will deny his application to  
12 proceed *in forma pauperis* on appeal.

13 IT IS SO ORDERED.

14 Dated: October 24, 2018

15 /s/ Eric P. Gray  
16 UNITED STATES MAGISTRATE JUDGE

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