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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
6

7 JEANNEE C. COLE,

8 Plaintiff,

9 v.

10 CAROLYN W. COLVIN, ACTING
11 COMMISSIONER OF SOCIAL SECURITY,

12 Defendant.

Case No. 1:15-CV-00928-SMS

ORDER DENYING APPLICATION
TO PROCEED *IN FORMA PAUPERIS*

Doc. 2

13
14 Plaintiff Jeannee C. Cole, through her attorney, filed an application to proceed *in forma*
15 *pauperis* on June 18, 2015. Doc. 2. Plaintiff submitted a declaration required by 28 U.S.C. § 1915(a),
16 but it is incomplete.

17
18 Title 28 U.S.C. § 1915(a)(1) provides that “any court of the United States may authorize the
19 commencement, prosecution of defense of any civil or criminal suit, action, proceeding, or any
20 appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit
21 that includes a statement of all assets such [person] [...] possesses that the person is unable to pay
22 such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). Although an applicant need not be
23 absolutely destitute, the affidavit should establish that one cannot, because of poverty, pay or give
24 security for the costs and still be able to provide himself and dependents with the necessities of life.
25
26 *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

27 Here, Plaintiff declares that she is not incarcerated and she is not currently employed. She
28 has failed to respond to question 2.b. identifying the date of her last employment, the amount of her

1 take-home salary or wages and pay period, and the name and address of her last employer. Plaintiff
2 declares in question three that she has not received money from any source whatsoever, and, in
3 questions four and five, that she has no cash, savings, or assets. However, she lists in response to
4 question six that she contributes 100% of the support for her daughter and son.

5 Plaintiff must respond accurately to all questions on the declaration in support of her
6 application to proceed without prepayment of fees. Plaintiff must answer question 2.b., and identify
7 what sources of income she has such that she is able to contribute to 100% of her daughter and son's
8 support.
9

10 Hence, it is ORDERED that Plaintiff's application to proceed *in forma pauperis* is DENIED.
11 Within thirty (30) days of entry of this order, Plaintiff shall either re-file a completed application to
12 proceed *in forma pauperis* OR pay the filing fee.

13 IT IS SO ORDERED.

14 DATED: 6/22/2015

/s/ SANDRA M. SNYDER
UNITED STATES MAGISTRATE JUDGE