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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORY ELL SHEHEE,
Plaintiff,
v.
FAITH PEREZ, et al.,
Defendants.

Case No. 1:16-cv-01346-AWI-BAM (PC)
**ORDER DENYING MOTION TO PROCEED
IN FORMA PAUPERIS AND REQUIRING
PLAINTIFF TO FILE COMPLETED
APPLICATION TO PROCEED IN FORMA
PAUPERIS OR PAY FILING FEE**
(ECF No. 18)

Plaintiff Gregory Ell Shehee (“Plaintiff”) is a county jail inmate, is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

On February 6, 2017, the Court directed Plaintiff to submit a prisoner application to proceed in forma pauperis in this action. (ECF No. 11.) On March 3, 2017, Plaintiff filed an application to proceed in forma pauperis that was incomplete. Plaintiff reported that he had received money in the form of a settlement check, but he failed to clearly describe the source of the money, the amount received, and if he expected to receive additional amounts. (ECF No. 13.) The Court issued an order directing Plaintiff to file a completed in forma pauperis application or to pay the filing fee within forty-five days. (ECF No. 15.)

1 Currently before the Court is Plaintiff's renewed motion to proceed in forma pauperis and
2 declaration in support. (ECF Nos. 18, 19.)

3 In response to question number 3, Plaintiff indicates that he received a one-time payment
4 of approximately \$4,200.00 from an "Infuse Litigation Settlement" through the Law Office of
5 Matthews and Associates. (ECF No. 19, p. 2.) Although not entirely clear, Plaintiff appears to
6 state that he now has an available balance of \$4,000.00 in his jail account. (ECF No. 18, p. 2.)
7 There is no certified copy of Plaintiff's trust account statement for the past six months attached to
8 the application, and the certification portion of the form is blank.

9 Plaintiff declares that the County Jail Accounts Office will not complete the certificate
10 portion or sign the application to proceed in forma pauperis. (ECF No. 19, p. 2.) He also attaches
11 copies two of Inmate Request Forms, submitted March 21, 2017 and April 2, 2017, in which he
12 requests copies of his inmate trust account. (ECF No. 18, pp. 4-5.) The response section of the
13 March 21, 2017 Request Form states that Plaintiff "went over this week," suggesting that his
14 request could not be completed at that time. The response section of the April 2, 2017 Request
15 Form is blank.

16 Plaintiff further declares that on or around March 3, 2017, he requested that a check be
17 mailed to the Court, but the Fresno County Accounting Office stated that he could not withdraw
18 the full amount requested. (ECF No. 19, p. 3.)

19 Based on Plaintiff's renewed motion to proceed in forma pauperis and the documentation
20 submitted to the Court, it appears Plaintiff is making a good faith effort to either complete his
21 application to proceed in forma pauperis, or to pay the initial civil filing fee for this action.
22 However, he has not yet submitted a completed application or paid the filing fee.

23 Plaintiff is advised that the Court will accept multiple checks for payment if he cannot
24 withdraw the full amount requested in a single check. Plaintiff is further advised that if he is able
25 to prepay the filing fee in full, which his application suggests he is able to do, then he is not
26 eligible to proceed in forma pauperis and need not send in any application form. Plaintiff is only
27 required to either pay the filing fee, *or* to provide a completed application if he is eligible.

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Accordingly, it is HEREBY ORDERED that:

1. Plaintiff's motion to proceed in forma pauperis (ECF No. 18) is DENIED, without prejudice;
2. Within forty-five (45) days from service of this order, Plaintiff shall file the attached application to proceed in forma pauperis, completed and signed, or in the alternative, pay the \$400.00 initial filing fee for this action;
3. No extension of time will be granted without a showing of good cause; and
4. The failure to comply with this order will result in dismissal of this action without prejudice.

IT IS SO ORDERED.

Dated: April 12, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE