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

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

Case No. 1:16-cv-01346-AWI-BAM (PC)  
**FINDINGS AND RECOMMENDATIONS  
RECOMMENDING PLAINTIFF’S MOTION  
TO PROCEED IN FORMA PAUPERIS BE  
DENIED**  
(ECF No. 21)  
**FOURTEEN (14) DAY DEADLINE**

Plaintiff Gregory Ell Shehee (“Plaintiff”), 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, failing to clearly describe the source of money he received in the form of a settlement check, and if he expected to receive additional amounts. (ECF No. 13.) The Court denied the motion without prejudice and directed Plaintiff to file a completed in forma pauperis application or to pay the filing fee within forty-five (45) days. (ECF No. 15.)

On April 10, 2017, Plaintiff filed a renewed motion to proceed in forma pauperis and a declaration in support. Plaintiff indicated that he received a one-time payment of approximately \$4,200.00 from a legal settlement, and appeared to state that he retained a balance of \$4,000.00 in

1 his jail account. Plaintiff did not include a certified copy of his trust account statement, and the  
2 certification portion of the in forma pauperis application was blank. (ECF Nos. 18, 19.) The  
3 Court issued another order directing Plaintiff to file a completed application or to pay the filing  
4 fee within forty-five (45) days. (ECF No. 20.)

5 Currently before the Court is Plaintiff's renewed application to proceed in forma pauperis,  
6 filed May 5, 2017. (ECF No. 21.) Included is a certified copy of Plaintiff's prison trust account  
7 statement. Examination of these documents reveals that Plaintiff is able to afford the costs of this  
8 action. Specifically, during the prior six months Plaintiff has held an average monthly balance of  
9 \$3,616.66 in his account. His current balance is \$3,386.10.

10 Accordingly, it is HEREBY RECOMMENDED that:

- 11 1. The motion to proceed in forma pauperis (ECF No. 21) be DENIED, pursuant to 28  
12 U.S.C. § 1915; and
- 13 2. Plaintiff be ORDERED to pay the \$400 initial filing fee for this action.

14 These Findings and Recommendations will be submitted to the United States District  
15 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within  
16 **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may  
17 file written objections with the court. The document should be captioned "Objections to  
18 Magistrate Judge's Findings and Recommendation." Plaintiff is advised that the failure to file  
19 objections within the specified time may result in the waiver of the "right to challenge the  
20 magistrate's factual findings" on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.  
21 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

22  
23 IT IS SO ORDERED.

24 Dated: May 10, 2017

/s/ Barbara A. McAuliffe  
25 UNITED STATES MAGISTRATE JUDGE