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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JEFF WALKER,	Case No. 1:16-cv-01886-AWI-JLT (PC)
12	Plaintiff,	ORDER TO SHOW CAUSE WHY THE CASE SHOULD NOT BE DISMISSED BECAUSE OF
13	v.	PLAINTIFF'S UNTRUE ALLEGATION OF POVERTY IN FILING FOR <i>IN FORMA</i>
14	ROBLES, et al.,	PAUPERIS STATUS
15	Defendants.	(Doc. 2)
16		30-DAY DEADLINE
17	Plaintiff filed a motion to proceed in forma pauperis along with this civil rights action	
18	pursuant to 42 U.S.C. § 1983. Plaintiff currently has another case pending in this Court. See	
19	Walker v. Wechsler, et al., 1:16-cv-01417-JLT. The Defendants in Plaintiff's other case have	
20	filed a motion to dismiss asserting that Plaintiff made an untrue allegation of poverty in his IFP	
21	application to the Court. See Id, at Doc. 26. In that motion, Defendants submit evidence that on	
22	September 19, 2016, exactly three months before Plaintiff filed this action and his accompanying	
23	motion to proceed <i>in forma pauperis</i> , Plaintiff received \$10,000 in settlement of a legal action in	
24	the Northern District of California, <i>Walker v. Jones, et al.</i> , 08-cv-0757. <i>Id.</i> , Doc. 26, Doc. 27-1. ¹	
25	The Court notes that here, as in Plaintiff's other case, he marked both the "Yes" and the "No"	
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27 28	¹ Judicial is taken of the Stipulation and Order re Dismissal with Prejudice which was filed in that action and signed by the Honorable Charles R. Breyer on October 21, 2016 (Doc. 27-1 in this action) as notice may be taken of undisputed matters of public record, including documents on file in federal or state courts. Fed.Rules Evid.Rule 201, 28 U.S.C.A.; <i>Harris v. County of Orange</i> , 682 F.3d 1126, 1131-32 (2012).	

1	boxes when responding to the question whether he had received any money from "Any other	
2	sources" in the twelve months prior to filing this action. Compare 1:16-cv-1886, Doc. 2, p. 1	
3	with 1:16-cv-1417, Doc. 2, pp. 1-2.	
4	Proceeding "in forma pauperis is a privilege not a right." Smart v. Heinze, 347 F.2d 114,	
5	116 (9th Cir. 1965). While a party need not be completely destitute to proceed <i>IFP</i> , <i>Adkins v. E.I.</i>	
6	DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948), "the same even-handed care must be	
7	employed to assure that federal funds are not squandered to underwrite, at public expense, either	
8	frivolous claims or the remonstrances of a suitor who is financially able, in whole or in material	
9	part, to pull his own oar." Doe v. Educ. Enrichment Sys., No. 15cv2628-MMA (MDD), 2015	
10	U.S. Dist. LEXIS 173063, *2 (S.D. Cal. Dec. 30, 2015) (citing <i>Temple v. Ellerthorpe</i> , 586 F.	
11	Supp. 848, 850 (D.R.I. 1984)). "[T]he court shall dismiss the case at any time if the court	
12	determines the allegation of poverty is untrue." 28 U.S.C. § 1915(e)(2)(A).	
13	Accordingly, the Court ORDERS that within 30 days of the date of service of this order,	
14	Plaintiff SHALL show cause why in writing why his in forma pauperis status should not be	
15	denied and he be required to pay the filing fee ² .	
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17	IT IS SO ORDERED.	
18	Dated: May 8, 2017 /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE	
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27	$\frac{1}{2}$ Plaintiff is advised that if he chose to spend his money or give it away rather than use it to pay his filing fee, the	
28	Court understands this inclination but this would not justify him proceeding <i>in forma pauperis</i> .	