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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMAR HEARNS,  
Plaintiff,  
v.  
ROSA GONZALES, et al.,  
Defendants.

1:17-cv-0038 GSA (PC)  
ORDER VACATING ORDER ISSUED ON  
FEBRUARY 6, 2017  
(ECF No. 8.)  
ORDER GRANTING AMENDED  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS  
(ECF No. 9.)

Plaintiff is a former state prisoner proceeding pro se pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on January 11, 2017, together with an application to proceed in forma pauperis. (ECF Nos. 1, 2.)

On February 6, 2017, the court denied Plaintiff’s application to proceed in forma pauperis based upon his prison trust account statement which showed that he can afford the costs of this motion. (ECF No. 8.) Plaintiff was ordered to pay the \$350.00 filing fee in full for this action within thirty days. (Id.)

On March 16, 2017, Plaintiff filed an amended application to proceed in forma pauperis, declaring that he was paroled from state prison and his financial status has changed. (ECF No. 9.) Plaintiff declared that he has used the money from his prison trust account for re-entry into

1 society, purchasing clothing, food, housing and transportation. (Id.) He declares that he is  
2 currently attending a class in construction job training that does not pay; he is on general relief of  
3 \$221.16 per month; and he lives in temporary housing for which he pays \$100.00 per month.

4 (Id.) He also declares that he is now indigent. (Id.)

5 Plaintiff has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.  
6 Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in  
7 forma pauperis will be granted.

8 In accordance with the above and good cause appearing therefore, IT IS HEREBY  
9 ORDERED that:

- 10 1. The court's order issued on February 6, 2017, is VACATED; and
- 11 2. Plaintiff's amended application to proceed in forma pauperis, filed on March 16,  
12 2017, is GRANTED.

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14 IT IS SO ORDERED.

15 Dated: March 31, 2017

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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