

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMAR HEARNS,

Plaintiff,

vs.

ROSA GONZALES et al.

Defendants

1:17-cv-00038-GSA-PC

ORDER DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS
(ECF No. 2.)

**ORDER FOR PLAINTIFF TO PAY \$350.00
FILING FEE IN FULL WITHIN THIRTY
DAYS**

Jamar Hearns is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. §1983. Plaintiff filed the Complaint commencing this action on January 11, 2017. (ECF No. 1.)

On January 23, 2017, Plaintiff consented to Magistrate Judge jurisdiction in this action pursuant to 28 U.S.C. §636(c), and no other parties have made an appearance. (ECF No. 5.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

On January 11, 2017, Plaintiff submitted an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, together with a certified copy of his prison trust account

1 statement. (ECF No. 2.) It appears, from a review of Plaintiff's application and the certified
2 copy of his prison trust account statement, that Plaintiff can afford the costs of this action.
3 Plaintiff's evidence shows that the average monthly deposit in Plaintiff's account for the six-
4 month period ending January 9, 2017, was \$692.50; the average monthly balance for the same
5 six-month period was \$1,642.07; and the balance in the account on January 9, 2017, was
6 \$2,914.86. (*Id.* at 2.) Therefore, Plaintiff's application to proceed in forma pauperis shall be
7 denied, and Plaintiff shall be required to pay the statutory filing fee of \$350.00 for this action in
8 full.

9 Based on the foregoing, IT IS HEREBY ORDERED that:

10 1. Plaintiff's application to proceed in forma pauperis, filed on January 11, 2017, is
11 DENIED;

12 2. Within thirty days from the date of service of this order, Plaintiff is required to
13 pay the \$350.00 filing fee for this action in full; and

14 3. Plaintiff's failure to comply with this order shall result in the dismissal of this
15 action.

16 IT IS SO ORDERED.

17 Dated: February 6, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE