

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 FOR THE EASTERN DISTRICT OF CALIFORNIA

6 MANUEL BURCIAGA,

CASE NO. 1:17-cv-0200 DAD-BAM

7 Plaintiff,

8 ORDER REQUIRING PLAINTIFF TO FILE  
9 CORRECT APPLICATION TO PROCEED IN  
10 FORMA PAUPERIS OR PAY FILING FEE  
11 WITHIN FOURTEEN DAYS

v.

12 JAMES BANH, *et al.*,

13 Defendants.

14  
15 Plaintiff, a state prisoner proceeding pro se, initiated this civil action pursuant to 42 U.S.C. §  
16 1983 on February 13, 2017. (Doc. 1). On February 15, 2017, the Court ordered Plaintiff to submit an  
17 application to proceed in forma pauperis in this action, or in the alternative, pay the filing fee in the  
18 amount of \$400.00 within forty-five days of the service of that order. (Doc. 2). On March 3, 2017,  
19 Plaintiff filed a letter in “reply to the order to submit application to proceed in forma pauperis or pay  
20 filing fee.” (Doc. 3). In his letter, Plaintiff appears to allege that House Joint Resolution 192 and  
21 other laws forbid the government from enforcing the payment of monetary debts and therefore the  
22 Court’s order that he submits an in forma pauperis application or pays a monetary filing fee is  
23 unenforceable.<sup>1</sup> Plaintiff’s theory is without merit. See *Matchynski v. Ocwen Loan Servicing*, 2014  
24 U.S. Dist. LEXIS 6810 (S.D. Cal. Jan. 16, 2014) (“California courts have firmly rejected [the] theory  
25 premised on the gold standard that a private individual’s issuance of documents claiming the  
26 obligation of the United States to pay the face value constitutes tender”); *Vann v. Wells Fargo Bank*,  
2012 U.S. Dist. LEXIS 72760 (N.D. Cal. May 24, 2012) (recognizing courts’ rejection of

27  
28  
<sup>1</sup> House Joint Resolution 192 bears the heading, “To assure uniform value to the coins and currencies of the United States,” and states, in essence, that obligations requiring payment “in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby” are against public policy, and that U.S. currency is legal tender for all debts. H.R.J. Res. 192, 73d Cong. (1933).

1 “redemptionist” or “sovereign citizen” theories premised on House Joint Resolution 192); *Bryant v.*  
2 *Washington Mutual Bank*, 524 F. Supp. 2d 753, 760 (W.D. Va. 2007) (Plaintiff’s reliance on House  
3 Joint Resolution 192 to absolve her debt is “clearly nonsense”).

4 Plaintiff has not submitted an application to proceed in forma pauperis on the appropriate form  
5 pursuant to 28 U.S.C. § 1915, nor does his reply letter satisfy the requirements of that section.  
6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Clerk’s Office shall send to Plaintiff the attached form for application to proceed in  
8 forma pauperis for a prisoner;

9 2. Within fourteen (14) days of the date of service of this order, Plaintiff shall submit the  
10 completed and signed application to proceed in forma pauperis for a prisoner, or in the alternative, pay  
11 the \$400.00 filing fee for this action; and

12 3. **Failure to comply with this order will result in dismissal of this action.**

13  
14 IT IS SO ORDERED.

15  
16 Dated: April 5, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE