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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRACY WEBB,

Plaintiff,

v.

GSF PROPERTIES, et al.,

Defendants.

Case No. 1:17-cv-00361-LJO-SAB

FINDINGS AND RECOMMENDATIONS
RECOMMENDING DENYING
PLAINTIFF'S APPLICATION TO
PROCEED WITHOUT PREPAYMENT OF
FEES

(ECF Nos. 2, 4)

OBJECTIONS DUE WITHIN THIRTY
DAYS

On March 13, 2017, Plaintiff, proceeding pro se, filed a complaint in this action against GSF Properties, Lindsey Burrow, the Fresno Police Department, and the Fresno Sheriff's Department. Along with the complaint, Plaintiff filed an application to proceed without prepayment of fees. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 15, 2017, an order issued finding that Plaintiff's application to proceed without prepayment of fees was not adequately completed. In her application, Plaintiff indicated that she received income from employment and Social Security benefits but did not indicate the amount received. (Application to Proceed Without Prepayment of Fees 1, ECF No. 2.) Additionally, in response to the question of whether she owned anything of value, Plaintiff responded that she would explain upon request. (Id. at 2.) The Court found that the information provided on the

1 form was not sufficient to determine if Plaintiff was entitled to proceed without prepayment of
2 fees. (Order Requiring Pl. to File Long Form Appl. To Proceed Without Prepayment of Fees 1,
3 ECF No. 3.) The order required Plaintiff to complete and file a long form application to proceed
4 without prepayment of fees. (Id.) Plaintiff was advised that she must adequately answer the
5 questions on the form and if she was unwilling to complete the form, Plaintiff must pay the filing
6 fee in full. (Id. at 2-3.)

7 On March 27, 2017, Plaintiff filed a long form application to proceed without
8 prepayment of fees. (Application to Proceed in District Court Without Prepaying Fees or Costs
9 (Long Form), ECF No. 4.) In response to the question seeking the average income Plaintiff has
10 received in the past twelve months, Plaintiff responds it depends. (Id. at 1.) Additionally,
11 despite indicating that she receives Social Security benefits in her prior application, Plaintiff did
12 not include any amount for retirement or disability income. (Id. at 2.) While Plaintiff states that
13 she cannot pay the fees in this action due to the amount of income that she makes per month (id.
14 at 5), Plaintiff has not indicated the amount of income she receives despite the March 15, 2017
15 order requiring her to do so.

16 The Court finds that Plaintiff's applications do not demonstrate that she is entitled to
17 proceed without prepayment of fees in this matter.

18 Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff's applications to proceed
19 without prepayment of fees in this action be DENIED; and Plaintiff be ordered to pay the filing
20 fee.

21 These findings and recommendations are submitted to the district judge assigned to this
22 action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 304. Within fourteen
23 (14) days of service of this recommendation, Plaintiff may file written objections to these
24 findings and recommendations with the Court. Such a document should be captioned
25 "Objections to Magistrate Judge's Findings and Recommendations." The district judge will
26 review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. §
27 636(b)(1)(C). Plaintiff is advised that failure to file objections within the specified time may
28 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

1 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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IT IS SO ORDERED.

Dated: March 29, 2017



UNITED STATES MAGISTRATE JUDGE