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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

GERARDO GONZALES,  
Plaintiff,  
v.  
BILL RUTLEDGE, et al.,  
Defendants.

Case No. 1:17-cv-00387-LJO-BAM  
FINDINGS AND RECOMMENDATIONS  
RECOMMENDING THAT PLAINTIFF’S  
APPLICATION TO PROCEED WITHOUT  
PREPAYING FEES OR COSTS BE DENIED  
(Doc. 2)

Plaintiff Gerardo Gonzales (“Plaintiff”) is proceeding pro se in this civil matter. Plaintiff initiated this action on March 16, 2017. (Doc. 1). On the same day, Plaintiff filed an application to proceed in forma pauperis under 28 U.S.C. § 1915. (Doc. 2).

According to Plaintiff’s application to proceed without prepaying fees or costs, he receives a retirement pension of \$1,378.00 each month and receives a worker’s compensation payment of \$1,080.00 each month.<sup>1</sup> He also has \$3,490.00 in cash or in a checking or savings account. (Doc. 2 at 1-2). Additionally, Plaintiff’s expenses include discretionary amounts for “cable” and vague expenses, such as “security,” “bug spray,” and “household goods.” (Doc. 2 at 2.)

The Court finds that Plaintiff has not made the showing required by section 1915(a) that

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<sup>1</sup> Plaintiff also itemizes gross pay or wages of \$1,948.00, but lists his employment as “Disable.” (Doc. 2 at 1).

1 he is unable to pay the required fees for this action. Accordingly, the Court HEREBY

2 RECOMMENDS that:

3 1. Plaintiff's application to proceed without prepayment of fees and costs (ECF No. 2) be  
4 DENIED; and

5 2. Plaintiff be required to pay the \$400.00 filing fee in full to proceed with this action.

6 These findings and recommendations are submitted to the United States District Judge  
7 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**  
8 **(14) days** after being served with these findings and recommendations, Plaintiff may file written  
9 objections with the Court. Such a document should be captioned "Objections to Magistrate  
10 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within  
11 the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d  
12 834, 838-39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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14 IT IS SO ORDERED.

15 Dated: April 6, 2017

/s/ Barbara A. McAuliffe  
16 UNITED STATES MAGISTRATE JUDGE

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