

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

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

JOHN DURAN, et al.,

Plaintiffs,

v.

AT&amp;T, et al.,

Defendants.

Case No. 1:17-cv-00738-DAD-SAB

ORDER REQUIRING PLAINTIFFS TO  
FILE LONG FORM APPLICATION

(ECF Nos. 2, 4, 5)

TWENTY DAY DEADLINE

17 Plaintiffs John Duran and Rosemary Duran (“Plaintiff”), appearing pro se in this action,  
18 filed a complaint May 30, 2017. (ECF No. 1.) Plaintiffs did not pay the filing fee in this action  
19 and instead filed a motion to proceed in forma pauperis. Plaintiffs did not provide any  
20 information by which the Court could determine if they were entitled to proceed in forma  
21 pauperis so an order issued requiring Plaintiffs to file an application to proceed in forma pauperis  
22 pursuant to 28 U.S.C. § 1915.

23 On June 9, 2017, Plaintiffs filed separate applications to proceed in forma pauperis. The  
24 2017 Poverty Guidelines for the 48 contiguous states for a household of two is \$16,240.00. 2017  
25 Poverty Guidelines, located at <https://aspe.hhs.gov/poverty-guidelines> (last visited June 13,  
26 2017). Based upon the applications filed, it appears that Plaintiffs are well above the poverty  
27 level with a household income in excess of \$3,000.00 per month, which would place their  
28 household income above \$36,000.00 per year. Further, John Duran’s application states that he

1 contributes the majority of his income for the support of his spouse.

2 Accordingly, the Court will order Plaintiffs to complete and file an Application to  
3 Proceed in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiffs  
4 are unwilling to complete and submit the long form application, Plaintiffs must pay the filing fee  
5 in full.

6 Based upon the foregoing, it is HEREBY ORDERED that:

- 7 1. The Clerk of the Court is directed to forward an Application to Proceed in District  
8 Court Without Prepaying Fees or Costs (Long Form) – AO 239 to each plaintiff;
- 9 2. Within **twenty (20) days** of the date of this order, Plaintiffs shall either (1) pay  
10 the \$400.00 filing fee for this action, or (2) complete and file the enclosed  
11 Application to Proceed in District Court Without Prepaying Fees or Costs (Long  
12 Form) – AO 239; and
- 13 3. If Plaintiffs fail to comply with this order, this action shall be dismissed.

14 IT IS SO ORDERED.

15 Dated: June 13, 2017

16   
17 \_\_\_\_\_  
18 UNITED STATES MAGISTRATE JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28