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

WILLIAM J. GRADFORD,  
Plaintiff,  
v.  
LIGNOSKI, et al.,  
Defendants.

**Case No. 1:17-cv-00792-JLT (PC)**  
**ORDER TO SHOW CAUSE WHY MOTION TO PROCEED *IN FORMA PAUPERIS* SHOULD NOT BE DENIED**  
**(Doc. 2)**  
**21-DAY DEADLINE**

Plaintiff filed a motion to proceed *in forma pauperis* along with this civil rights action pursuant to 42 U.S.C. § 1983. However, it does not appear that Plaintiff meets the poverty requirements for his motion to be granted. Instead, Plaintiff’s motion indicates that he receives “SSI, \$937.00 monthly, last received Dec. 1, 2016.” (Doc. 2, p. 1.) Further, the certificate from the authorized officer at the institution of his incarceration indicates that during the past six months the average monthly deposits to Plaintiff’s account was \$302.45. (*Id.*, p. 2.)

Proceeding “*in forma pauperis* is a privilege not a right.” *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965). While a party need not be completely destitute to proceed *IFP*, *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948), “the same even-handed care must be employed to assure that federal funds are not squandered to underwrite, at public expense, either frivolous claims or the remonstrances of a suitor who is financially able, in whole or in material

1 part, to pull his own oar.” *Doe v. Educ. Enrichment Sys.*, No. 15cv2628-MMA (MDD), 2015  
2 U.S. Dist. LEXIS 173063, \*2 (S.D. Cal. Dec. 30, 2015) (citing *Temple v. Ellerthorpe*, 586 F.  
3 Supp. 848, 850 (D.R.I. 1984)). “[T]he court shall dismiss the case at any time if the court  
4 determines the allegation of poverty is untrue.” 28 U.S.C. § 1915(e)(2)(A). It appears that  
5 Plaintiff has had sufficient funds over the last several months to be required to pay the filing fee  
6 in full to proceed in this action.

7 Accordingly, it the Court **ORDERS** that, **within 21 days** of the date of service of this  
8 order, Plaintiff must show cause why his *in forma pauperis* status should not be denied and this  
9 action dismissed without prejudice to refiling with prepayment of the filing fee; alternatively,  
10 Plaintiff may file a notice of voluntary dismissal.

11 IT IS SO ORDERED.

12 Dated: **June 12, 2017**

13 **/s/ Jennifer L. Thurston**  
14 UNITED STATES MAGISTRATE JUDGE