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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WAYNE JEROME ROBERTSON,
Plaintiff,
v.
D. GARCIA, et al.,
Defendants.

Case No. 1:17-cv-01022-DAD-BAM (PC)
**FINDINGS AND RECOMMENDATIONS
RECOMMENDING PLAINTIFF’S MOTION
TO PROCEED IN FORMA PAUPERIS BE
DENIED**
(ECF No. 7)
FOURTEEN (14) DAY DEADLINE

Plaintiff Wayne Jerome Robertson (“Plaintiff”), a county jail inmate, is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on August 1, 2017. (ECF No. 1.) On August 2, 2017, the Court directed Plaintiff to submit an application to proceed in forma pauperis in this action or pay the \$400.00 filing fee within forty-five days. (ECF No. 4.)

Currently before the Court is Plaintiff’s application to proceed in forma pauperis, filed September 15, 2017. (ECF No. 7.) Included is a certified copy of Plaintiff’s prison trust account statement. Examination of these documents reveals that Plaintiff is able to afford the costs of this action. Specifically, during the prior six months Plaintiff has held an average monthly balance of \$20,441.13 in his account. His current balance is \$15,214.61.

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Accordingly, it is HEREBY RECOMMENDED that:

1. The motion to proceed in forma pauperis (ECF No. 7) be DENIED, pursuant to 28 U.S.C. § 1915; and
2. Plaintiff be ORDERED to pay the \$400 initial filing fee for this action.

These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendation.” Plaintiff is advised that the failure to file objections within the specified time may result in the waiver of the “right to challenge the magistrate’s factual findings” on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: September 15, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE