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

**RICHARD ACORD,**  
  
Plaintiff,  
  
v.  
  
**CHAMPIONS RECOVERY  
ALTERNATIVES, et al.,**  
  
Defendants.

Case No. 1:17-cv-01145-LGO-EPG

**ORDER DENYING IN FORMA  
PAUPERIS APPLICATION WITHOUT  
PREJUDICE AND TO SUBMIT A  
COMPLETED APPLICATION TO  
PROCEED IN FORMA PAUPERIS OR  
PAY FILING FEE**

(ECF No. 2)

Plaintiff Richard Acord is proceeding *pro se* in this action pursuant to 42 U.S.C. § 1983. On August 25, 2017, Plaintiff submitted an application to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915. (ECF No. 2.)

A civil action may proceed despite a failure to prepay the entire filing fee only if the party initiating the action is granted leave to proceed IFP. *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). In applying to proceed IFP, a plaintiff must submit an affidavit that “state[s] the facts as to [the] affiant’s poverty with some particularity, definiteness and certainty.” *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960) (“The right to proceed in forma paupers is not an unqualified one. It is a privilege, rather than a right”). Under 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act (“PLRA”), a prisoner seeking leave to proceed IFP must also submit a “certified copy of the trust fund account statement (or institutional equivalent) for ... the six-month period immediately preceding the filing of the

1 complaint.” 28 U.S.C. § 1915(a)(2); *Andrews v. King*, 398 F.3d 1113, 1119 (9th Cir. 2005).

2 Plaintiff fails to submit an affidavit stating his assets with any particularity. In his motion,  
3 Plaintiff only states that he is in custody in Kings County Jail and is “without funds or assets to  
4 raise the funds to pay the filing cost in this matter.” (ECF No. 2.) The Court is not able to  
5 consider Plaintiff’s application until the requisite information is provided. Therefore, if Plaintiff  
6 wishes to proceed *in forma pauperis*, he shall file a completed application no later than October  
7 16, 2017. Alternatively, Plaintiff may pay the filing fee by that same date.

8 Accordingly, **IT IS HEREBY ORDERED** that:

9 The Clerk shall attach an application to proceed *in forma pauperis* to this Order. No later  
10 than **October 16, 2017**, Plaintiff shall submit the attached application fully completed and  
11 signed, or in the alternative, pay the filing fee.

12 **No extensions will be granted without a showing of good cause. Failure to timely**  
13 **comply with this order will result in a recommendation that the application be denied.**

14 IT IS SO ORDERED.  
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16 Dated: September 14, 2017

17 /s/ Eric P. Groj  
18 UNITED STATES MAGISTRATE JUDGE  
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