

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA A. WILLARD,
Plaintiff,
vs.
C. WADDLE,
Defendant.

1:17-cv-01425-GSA-PC

ORDER TO EITHER:

(1) SUBMIT NEW, COMPLETED APPLICATION TO PROCEED IN FORMA PAUPERIS AND DECLARATION;

OR

(2) PAY \$400.00 FILING FEE

THIRTY-DAY DEADLINE

Joshua A. Willard (“Plaintiff”) is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on October 24, 2017, together with an application to proceed in forma pauperis. (ECF Nos. 1, 2.)

Plaintiff's application to proceed in forma pauperis is not completed. Plaintiff did not respond to question number 4 which asks, "Do you have cash (includes balance of checking or savings accounts)? If 'yes' state the total amount." (ECF No. 2 at 2 ¶4.)

Without knowing Plaintiff's present financial status, the court cannot grant the application. Therefore, Plaintiff shall be required to submit a new, completed application to proceed in forma pauperis, providing all of the information requested, or pay the \$400.00 filing fee for this action, within twenty days. If Plaintiff chooses not to pay the filing fee, Plaintiff is

1 also required to file a declaration, signed under penalty of perjury,¹ explaining why he is unable
2 to pay the filing fee when the certified copy of his prison trust account statement shows
3 deposits to his account during the past six months of \$1,428.57 (06/07/17); \$1,428.57
4 (07/03/17); \$1,000.00 (07/05/17); \$428.57 (07/06/17); and \$3,000.00 (10/20/17). (See Trust
5 Account Statement, ECF No. 6.)

6 Accordingly, IT IS HEREBY ORDERED that **within thirty (30) days** of the date of
7 service of this order, Plaintiff shall either:

- 8 1. Submit the attached application to proceed in forma pauperis, completed and
9 signed, together with a declaration as described in this order; or
- 10 2. Pay the \$400.00 filing fee for this action; and
- 11 3. **Failure to comply with this order will result in dismissal of this action.**

12 IT IS SO ORDERED.
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14 Dated: October 27, 2017

15 /s/ Gary S. Austin
16 UNITED STATES MAGISTRATE JUDGE
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27 ¹ The declaration must be dated and signed by Plaintiff, attesting under penalty of perjury to facts known by the
28 declarant, in substantially the following form: "I declare under penalty of perjury that the foregoing is true and
correct. Executed on (date). (Signature)." Such a declaration, if properly prepared, is admissible in federal court
with the same effect as an affidavit. 28 U.S.C. § 1746.