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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIO ANTON LEE,
Plaintiff,
v.
MATEVOUSIAN,
Defendant.

Case No. 1:18-cv-00278-JLT (PC)
**ORDER TO SHOW CAUSE WHY PLAINTIFF’S
IN FORMA PAUPERIS STATUS SHOULD NOT
BE REVOKED**
(Docs. 2, 4)
21-DAY DEADLINE

The Court granted the plaintiff’s motion to proceed *in forma pauperis*. (See Docs. 2, 4.)
Upon review, it does not appear that Plaintiff meets the poverty requirements to proceed *in forma pauperis*. Instead, Plaintiff’s motion indicates that his national six-month deposits totaled over \$900 and his national six-month withdrawals totaled over \$1,000, with an average daily balance of nearly \$200. (Doc. 2, pp. 4-6.)

Proceeding “*in forma pauperis* is a privilege not a right.” *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965). Though 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 part, to pull his own oar.” *Doe v. Educ. Enrichment Sys.*, No. 15cv2628-MMA (MDD),

1 2015 U.S. Dist. LEXIS 173063, *2 (S.D. Cal. Dec. 30, 2015) (citing *Temple v. Ellerthorpe*, 586
2 F. Supp. 848, 850 (D.R.I. 1984)). “[T]he court shall dismiss the case at any time if the court
3 determines the allegation of poverty is untrue.” 28 U.S.C. § 1915(e)(2)(A). It appears that
4 Plaintiff has had sufficient funds over the last several months to be required to pay the filing fee
5 in full to proceed in this action.

6 Accordingly, **within 21 days** of the date of service of this order, Plaintiff **SHALL** show
7 cause why his *in forma pauperis* status should not be revoked and this action dismissed without
8 prejudice to refiling with prepayment of the filing fee; alternatively, within the same 21-day
9 deadline, Plaintiff may pay the filing fee or file a notice of voluntary dismissal.

10 IT IS SO ORDERED.

11 Dated: **April 26, 2018**

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