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

MONICO ARANZUBIA,)	Case No.: 1:19-cv-01569-JLT (HC)
Petitioner,)	
v.)	ORDER DIRECTING CLERK OF COURT TO
)	ASSIGN DISTRICT JUDGE
STEVEN MERLAK, et al.,)	FINDINGS AND RECOMMENDATION TO
Respondents.)	DENY MOTION TO PROCEED IN FORMA
)	PAUPERIS (Doc. No. 2)
)	

On November 4, 2019, Petitioner filed a petition for writ of habeas corpus along with an application to proceed in forma pauperis. Examination of his application to proceed in forma pauperis and his trust account statement reveals that Petitioner is able to afford the costs of this action. Specifically, in the six months prior to filing, Petitioner has had average monthly deposits of \$137.87 to his account, and his current balance is \$85.27. Accordingly, Petitioner’s motion to proceed in forma pauperis should be denied. See 28 U.S.C. § 1915. Therefore, the Court **RECOMMENDS** the following:

1. Petitioner’s motion to proceed in forma pauperis (Doc. No. 2) be **DENIED**; and
2. Petitioner be required to pay the \$5.00 filing fee within thirty days of the Court’s order adopting these Findings and Recommendations.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local

1 Rules of Practice for the United States District Court, Eastern District of California. Within twenty-
2 one days after being served with these findings and recommendations, Plaintiff may file written
3 objections with the Court. Such a document should be captioned “Objections to Magistrate Judge’s
4 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
5 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d
6 1153 (9th Cir. 1991).

7
8 IT IS SO ORDERED.

9 Dated: November 5, 2019

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE