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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL W. RANNELS,
Plaintiff,
v.
SMITH, et al.,
Defendants.

Case No.: 1:21-cv-00049-SKO (PC)

**FINDINGS AND RECOMMENDATIONS
TO DENY PLAINTIFF’S MOTION TO
PROCEED *IN FORMA PAUPERIS***

(Doc. 2)

14-DAY DEADLINE

Clerk of the Court to assign a District Judge

On January 13, 2021, Plaintiff Daniel W. Rannels filed a motion to proceed *in forma pauperis* (IFP). (Doc. 2.) The certified account statement submitted by the California Department of Corrections and Rehabilitation indicates that, as of January 14, 2021, Plaintiff had \$1,337.32 in his inmate trust account. (Doc. 6.) This is more than enough to pay the filing fee of \$402 in full.

Accordingly, on January 14, 2021, the Court ordered Plaintiff to show cause, within 21 days, why his motion to proceed IFP should not be denied. (Doc. 7.) Plaintiff has not responded to the order, and the time to do so has passed.

As the Court explained in its order to show cause, proceeding “in forma pauperis is a privilege not a right.” *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965). While 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

