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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 FERNANDO GASTELUM,

11 Plaintiff,

12 v.

13 CENTRAL VALLEY HOSPITALITY, LLC,

14 Defendant.

Case No. 1:21-cv-01079-NONE-SAB

ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
WITHOUT PREJUDICE AND REQUIRING
PLAINTIFF TO FILE LONG FORM
APPLICATION OR PAY FILING FEE

(ECF No. 3)

TWENTY DAY DEADLINE

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17 Fernando Gastelum filed a complaint in this action on July 12, 2021. (ECF No. 1.)
18 Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in*
19 *forma pauperis* pursuant to 28 U.S.C. § 1915. However, Plaintiff's application was not
20 sufficiently completed for the Court to determine if he is entitled to proceed in this action
21 without prepayment of fees.

22 In his application, Plaintiff indicates that he receives some gross pay or wages in addition
23 to his disability benefits, however, the space for the employer's name and address was left blank.
24 Additionally, Plaintiff's listed expenses are proffered to be approximately twice his income level.

25 Accordingly, the Court will order Plaintiff to complete and file an Application to Proceed
26 in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is
27 unwilling to complete and submit the long form application, Plaintiffs must pay the filing fee in
28 full.

Based upon the foregoing, it is HEREBY ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice;
2. The Clerk of the Court is directed to forward an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) – AO 239 to Plaintiff;
3. Within **twenty (20) days** of the date of this order, Plaintiffs shall either (1) pay the \$402.00 filing fee for this action, or (2) complete and file the enclosed Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) – AO 239; and
4. If Plaintiff fails to comply with this order, this action shall be dismissed for failure to pay the filing fee and failure to comply with a court order.

IT IS SO ORDERED.

Dated: **July 14, 2021**


UNITED STATES MAGISTRATE JUDGE