

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 **PETER STROJNIK,**

12 **Plaintiff,**

13 **v.**

14 **ROSS STORES, INC.,**

15 **Defendant.**

Case No. 1:22-cv-00533-DAD-BAK

ORDER REQUIRING PLAINTIFF TO FILE
LONG FORM APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

THIRTY-DAY DEADLINE

16
17 On May 4, 2022, Plaintiff Peter Strojnik (“Plaintiff”) filed the instant action. (Doc. No. 1.)
18 Plaintiff did not pay the filing fee and instead filed an application to proceed *in forma pauperis*
19 pursuant to 28 U.S.C. § 1915. (Doc. No. 2).

20 Plaintiff’s application is insufficient for the Court to determine if he is entitled to proceed
21 without prepayment of fees in this action. Plaintiff states that he receives money from “any other
22 source” including “1) social security at \$1249.30/month; 2) claim settlements: \$61,536.19 for a
23 period 2021-04-01 to 2022-04-01. All net proceeds paid for spousal maintenance pursuant to 2013
24 divorce decree and court ordered UCC financing statement. 3) future receipts are unknown. Any
25 future receipts are subject to the 2013 divorce decree and first position UCC-1 arising out of the
26 2013 divorce decree. Latest UCC-1 renewal recorded with AZ Sec State at 2013-175-9296-5 on
27 August 30, 2018; and 4) Plaintiff is in a permanent insolvency status.” (Doc. No. 2 at 1.) Plaintiff’s
28 response is unclear to the Court. It is clear Plaintiff receives social security each month. But is

1 not clear what Plaintiff's obligations are, what amount he receives from his settlements, or what
2 Plaintiff means by "permanent insolvency status," and "future receipts"

3 Accordingly, the Court will order Plaintiff to complete and file an Application to Proceed
4 in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is unwilling
5 to complete and submit the long form application, Plaintiff must pay the filing fee in full. In the
6 Long Form application Plaintiff shall submit supplemental responses clarifying his monthly
7 income is and what his monthly obligations are. Plaintiff should clearly and precisely state what
8 income he receives and what the source of that income is.

9 Based upon the foregoing, it is HEREBY ORDERED that:

- 10 1. The Clerk of the Court is directed to forward an Application to Proceed in District
11 Court Without Prepaying Fees or Costs (Long Form) – AO 239 to Plaintiff;
- 12 2. Within **thirty (30) days** of the date of this order, Plaintiff shall either (1) pay the
13 \$402.00 filing fee for this action, or (2) complete and file the enclosed Application
14 to Proceed in District Court Without Prepaying Fees or Costs (Long Form) – AO
15 239; and
- 16 3. If Plaintiff fails to comply with this order, this action shall be dismissed.

17 IT IS SO ORDERED.

18 Dated: May 5, 2022

19 /s/ *Barbara A. McAuliffe*

20 UNITED STATES MAGISTRATE JUDGE

21
22
23
24
25
26
27
28