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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 PRENTICE RAY THOMAS,

11 Plaintiff,

12 v.

13 CHRISTIANA OKWANOKO, et al.,

14 Defendants.

Case No. 1:23-cv-00027-EPG (PC)

FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT PLAINTIFF'S  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS BE DENIED

(ECF No. 14)

OBJECTIONS, IF ANY, DUE WITHIN  
FOURTEEN DAYS

ORDER DIRECTING CLERK TO ASSIGN  
DISTRICT JUDGE

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19 Plaintiff is a prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C.  
20 § 1983. On January 20, 2023, Plaintiff filed an application to proceed *in forma pauperis*  
21 pursuant to 28 U.S.C. § 1915, along with a Trust Account Statement. (ECF No. 6). According  
22 to Plaintiff's application, he is not employed, he has not received money from any sources in  
23 the last twelve months, and he has no money or other assets.

24 However, according to the attached Trust Account Statement, between August 30,  
25 2022, and December 8, 2022, Plaintiff received \$947.30. "As the evidence before the Court of  
26 Plaintiff's assets [was] inconclusive," the Court denied Plaintiff's application without prejudice  
27 and allowed to submit another application "to clarify his financial condition and adequately  
28 demonstrate financial hardship." (ECF No. 9, pgs. 1-2).

1 On March 23, 2023, Plaintiff filed another application to proceed *in forma pauperis*.  
2 (ECF No. 12). Plaintiff once again stated he is not employed, he has not received money from  
3 any sources in the last twelve months, and he has no money or other assets. He did not explain  
4 the \$947.30 he received between August 30, 2022, and December 8, 2022. Additionally,  
5 according to the attached trust statement, Plaintiff received \$232.84 between January 31, 2023,  
6 and March 14, 2023, and Plaintiff did not provide an explanation regarding these funds either.  
7 As the evidence of Plaintiff's assets was still inconclusive, the Court denied Plaintiff's  
8 application without prejudice and provided "Plaintiff with one final opportunity to clarify his  
9 financial condition and adequately demonstrate financial hardship." (ECF No. 13, pgs. 2-3).

10 On April 24, 2023, Plaintiff filed a one-page handwritten application to proceed *in*  
11 *forma pauperis*.<sup>1</sup> Plaintiff asks the Court to grant him *in forma pauperis* status and to direct  
12 that ten percent be taken from his Trust Account every thirty days because he has no way of  
13 paying the filing fee in full.

14 Plaintiff provides no information regarding his financial condition. Additionally, the  
15 application is not signed under penalty of perjury. Accordingly, Plaintiff once again failed to  
16 clarify his financial condition and adequately demonstrate financial hardship.

17 Between August 30, 2022, and December 8, 2022, Plaintiff received \$947.30. (See  
18 ECF No. 6, p. 3). Thus, Plaintiff, who is a prisoner, received more than enough funds to pay  
19 the filing fee prior to filing this case. Despite being given two additional opportunities to  
20 clarify his financial condition and adequately demonstrate financial hardship, Plaintiff did not  
21 do so. Therefore, the Court will recommend that Plaintiff's application to proceed *in forma*  
22 *pauperis* be denied and that Plaintiff be required to pay the filing fee of \$402.00 for this action  
23 in full.

24 Based on the foregoing, the Court HEREBY RECOMMENDS that:

- 25 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 14) be DENIED;  
26 and

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28 <sup>1</sup> The Court provided Plaintiff with a form (ECF No. 13-1, pgs. 2-3), but Plaintiff did not use it.

