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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KULDIP S. KLER,

No. CIV S-06-1919-FCD-CMK-P

Petitioner,

vs.

FINDINGS AND RECOMMENDATIONS

BOARD OF PRISON TERMS,
et al.,

Respondents.

_____/

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner had paid the \$5.00 filing fee. Pending before the court is petitioner’s application for leave to proceed in forma pauperis (Doc. 2).

The court may authorize the commencement of an action “without prepayment of fees or security therefor” by an individual who submits an affidavit evidencing an inability to pay such fees or give security therefor. 28 U.S.C. § 1915(a). Petitioner attaches to his application a certified copy of his prison trust account statement which shows that he has a balance of \$2,812.48, and that the average balance in his account for the preceding six-month period was \$2,045.54. The court finds, therefore, that petitioner has not made an adequate showing of

1 indigency.

2 Based on the foregoing, the undersigned recommends that petitioner's application
3 for leave to proceed in forma pauperis be denied.


4 These findings and recommendations are submitted to the United States District
5 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days
6 after being served with these findings and recommendations, any party may file written
7 objections with the court. The document should be captioned "Objections to Magistrate Judge's
8 Findings and Recommendations." Failure to file objections within the specified time may waive
9 the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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11 DATED: August 30, 2006.

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CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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