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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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IN RE:

10 LARRY TEVIS and NANCY TEVIS,

11 Debtors.

12 LARRY TEVIS and NANCY TEVIS, /

13 NO. CIV. S-09-316 LKK

14 Appellants,

15 v. O R D E R
16 CALIFORNIA DEPARTMENT OF
VETERAN AFFAIRS,

17 Appellee.

18 _____/

19 Plaintiffs, who are proceeding pro se in this bankruptcy
20 appeal, have requested leave to proceed in forma pauperis pursuant
21 to 28 U.S.C. § 1915. A filing fee of \$350.00 is required to
22 commence a civil action in a federal district court. 28 U.S.C. §
23 1914(a). The district court may authorize the commencement of an
24 action "without prepayment of fees or security therefor" by an
25 individual who submits an affidavit demonstrating his inability to
26 pay such fees or give security therefor. 28 U.S.C. § 1915(a).

1 Here, plaintiffs declare that they are not employed. Larry
2 Tevis was last employed in April of 2006, when his salary was
3 \$2,100 per month. Nancy Tevis was last employed in June of 2001,
4 and has not stated her salary at that time. Both plaintiffs
5 currently receive "disability or workers compensation payments,"
6 which amounted to \$19,956 in 2008. The court finds that
7 plaintiff's statements concerning income, cash, and bank accounts
8 demonstrate inability to prepay the \$350.00 filing fee.

9 Accordingly, the court GRANTS the plaintiffs' motion to
10 proceed in forma pauperis.

11 IT IS SO ORDERED.

12 DATED: April 8, 2009.

LAWRENCE K. KARLTON
LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT