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

SCOTT VOGELSANG,

Plaintiff,

CIV S-09-2885 JAM KJM PS

vs.

LAURA ZINE, et al.,

Defendants.

ORDER

_____/

Plaintiff is proceeding pro se. Plaintiff has filed an in forma pauperis affidavit in which he states that he is self-employed with income of \$6,000, has received gifts in the past year of \$1,500 and has a bank account with \$850.

Pursuant to federal statute, a filing fee of \$350.00 is required to commence a civil action in federal district court. 28 U.S.C. § 1914(a). The court may authorize the commencement of an action "without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor." 28 U.S.C. § 1915(a). The amount of plaintiff's earnings shows that plaintiff is able to pay the filing fee and costs. Thus, plaintiff has made an inadequate showing of indigency. See Alexander v. Carson Adult High Sch., 9 F.3d 1448 (9th Cir. 1993); California Men's Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991); Stehouwer v. Hennessey, 841 F. Supp. 316, (N.D. Cal. 1994).

1 Plaintiff will therefore be granted twenty days in which to submit the appropriate filing fee to the
2 Clerk of the Court. Plaintiff is cautioned that failure to pay the fee will result in a
3 recommendation that the application to proceed in forma pauperis be denied and the instant
4 action be dismissed without prejudice.

5 Accordingly, IT IS HEREBY ORDERED that, within twenty days from the date
6 of this order, plaintiff shall submit the appropriate filing fee.

7 DATED: October 22, 2009.

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vogelsang-zine.den



U.S. MAGISTRATE JUDGE

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