

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

VICTORIA REYES;
JOSE REYES, JR.,

Plaintiffs,

No. 2:09-cv-03114 GEB KJN PS

V.

JOSEPH MODESTO; DAVID JAKABOSKY; MICHELLE DAVIS-TATE; RICHARD WINTERS; and NANCY MEUER

ORDER

Defendants.

Plaintiff Victoria Reyes, who is proceeding without counsel, has not paid the fee required to file an action in this court and previously filed an application to proceed in forma pauperis, which the undersigned determined was see 28 U.S.C. §§ 1914(a), 1915(a). In a March 10, 2010 order directing Ms. Reyes to file a completed application to proceed in forma pauperis, the undersigned specifically noted that Ms. Reyes's prior application did “not provide required information about her employment: (1) the amount of Ms. Reyes's take-home salary or wages and pay period, and (2) the name and address of Ms. Reyes's employer.” (Dkt. No. 4 at 1-2.) That order also indicated that Ms. Reyes's previous application stated that Ms. Reyes had received money through a business,

1 profession or other self-employment, but that the application did not provide “the required
2 description identifying: (1) each source of the money, (2) the amount received, and (3) what
3 amount, if any, she expects she will continue to receive.” (Id. at 2.) That order provided Ms.
4 Reyes with an opportunity to submit a completed application to proceed in forma pauperis, but
5 cautioned her that failure to comply with the order would result in a recommendation that the
6 action be dismissed. (Id.)

7 On March 19, 2010, Ms. Reyes filed another application to proceed in forma
8 pauperis. (Dkt. No. 5.) However, this second application suffers from the same defects as the
9 first application. First, the application states that Ms. Reyes is employed, but does not provide
10 either (1) the amount of Ms. Reyes’s take-home salary or wages and pay period, or (2) the name
11 and address of Ms. Reyes’s employer. (Id. at 1.) This information is specifically required by the
12 form application, and Ms. Reyes has again failed to provide this information.

13 Second, Ms. Reyes’s application indicates that in the last 12 months she has
14 received money through a “[b]usiness, profession or other self-employment,” and that she has
15 received money from “[r]ent payments, interest or dividends.” (Id.) Because Ms. Reyes
16 indicated that she received money from these sources, she is required to “describe each source of
17 money and state the amount received **and** what [she expects she] will continue to receive.” (Id.
18 (emphasis in original).) She has not provided this required information.

19 At this time, the undersigned cannot grant Ms. Reyes’s application to proceed in
20 forma pauperis. Ms. Reyes’s application simply does not provide the court with the information
21 required to properly evaluate whether granting in forma pauperis status would be appropriate in
22 this instance.

23 However, notwithstanding the court’s prior warning that failure to comply with its
24 order would result in a recommendation that this case be dismissed, the undersigned will permit
25 Ms. Reyes another opportunity to submit a completed application. She must fill out the
26 application form completely. For example, Ms. Reyes must provide (1) the amount of her take-

1 home salary or wages and pay period, and (2) the name and address of employer. In addition,
2 with respect to her income from “[b]usiness, profession or other self-employment,” she must
3 provide information about (1) each source of the money, (2) the amount received, and (3) what
4 amount, if any, she expects she will continue to receive. She must do the same with respect to
5 her income from “[r]ent payments, interest or dividends.” Ms. Reyes is again warned that failure
6 to comply with this order will result in a recommendation that the action be dismissed.

7 For the reasons stated above, IT IS HEREBY ORDERED that:

8 1. Plaintiff Victoria Reyes shall submit, within twenty (20) days from the
9 date of this order, either a completed application and affidavit in support of her request to
10 proceed in forma pauperis on the form provided by the Clerk of Court, or the appropriate filing
11 fee. Her failure to comply with this order will result in a recommendation that this action be
12 dismissed.

13 2. The Clerk of the Court is directed to send to Ms. Reyes a new Application
14 to Proceed Without Prepayment of Fees and Affidavit.

15 DATED: April 2, 2010

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE
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