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

VANCE BLAINE,

No. CIV S-10-0103-MCE-CMK-P

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

DUCAN, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s request for leave to proceed in forma pauperis (Doc. 2). Plaintiff’s declaration fails to make the showing required by 28 U.S.C. § 1915(a). Specifically, plaintiff’s in forma pauperis application reflects an average monthly balance over the past six months of \$40,664.47. The court, therefore, is unable to find that plaintiff is indigent and cannot pre-pay the \$350.00 filing fee for this action.

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1 Based on the foregoing, the undersigned recommends that plaintiff's motion for
2 leave to proceed in forma pauperis (Doc. 2) be denied.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 20 days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court. The document should be captioned "Objections to Magistrate Judge's
7 Findings and Recommendations." Failure to file objections within the specified time may waive
8 the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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10 DATED: February 2, 2010

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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