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

10 TIMOTHY WATTS,

11 Plaintiff,

No. CIV S-10-2688 KJM P

12 vs.

13 C/O S. FLORY, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner, is proceeding pro se with a civil rights action pursuant
17 to 42 U.S.C. § 1983. The certificate portion of his application to proceed in forma pauperis
18 shows his average monthly balance for the past six months to be \$3,358.42 and that his balance
19 at the time this suit was filed was \$394.60.

20 Pursuant to federal statute, a filing fee of \$350.00 is required to commence a civil
21 action in federal district court. 28 U.S.C. § 1914(a). The court may authorize the
22 commencement of an action “without prepayment of fees or security therefor” by an individual
23 who submits an affidavit evidencing an inability to pay such fees or give security therefor. 28
24 U.S.C. § 1915(a). Plaintiff has made an inadequate showing of indigency in the affidavit before
25 the court. Plaintiff will therefore be granted twenty days in which to submit the appropriate
26 filing fee to the Clerk of the Court. Plaintiff is cautioned that failure to pay the fee will result in

1 a recommendation that the application to proceed in forma pauperis be denied and the instant
2 action be dismissed without prejudice.

3 Accordingly, IT IS HEREBY ORDERED that, within twenty-one days from the
4 date of this order, plaintiff shall submit the appropriate filing fee.

5 DATED: November 18, 2010.

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7 U.S. MAGISTRATE JUDGE

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