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

CHARLES JAMES CHATMAN, No. CIV S-11-0681-MCE-CMK-P

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

DAVID M. MEDINA, 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. 3). Plaintiff’s complaint will be addressed separately.

Plaintiff’s application does not make the showing required by 28 U.S.C. § 1915(a). Specifically, plaintiff cannot demonstrate that he is unable to pre-pay the \$350.00 filing fee because he has \$9,195.39 in his prison trust account.

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1 Based on the foregoing, the undersigned recommends that plaintiff's application
2 for leave to proceed in forma pauperis (Doc. 3) 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 14 days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court. Responses to objections shall be filed within 14 days after service of
7 objections. Failure to file objections within the specified time may waive the right to appeal.
8 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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10 DATED: March 24, 2011

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