

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MIKA C. ALFARO,

Plaintiff,

No. 2:12-cv-2113 KJM GGH PS

vs.

UNITED STATES OF AMERICA,

Defendant.

FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff is proceeding pro se and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302(21), pursuant to 28 U.S.C. § 636(b)(1). Plaintiff has filed an in forma pauperis affidavit that is incomplete. Although plaintiff states that she is employed, and provides the address of the employer, she has failed to state her wages. In response to Question 3, plaintiff checked that she has received income from rent payments, interest, or dividends, and pension, annuity, or life insurance payments, but has failed to identify the source and amounts of money received for these categories. In any event, the affidavit also states that plaintiff has \$250,000 in a checking or savings account. 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

1 person who makes affidavit that he is unable to pay such costs or give security therefor.” 28
2 U.S.C. § 1915(a). The amount of plaintiff’s income shows that plaintiff is able to pay the filing
3 fee and costs. Thus, plaintiff has made an inadequate showing of indigency. See Alexander v.
4 Carson Adult High Sch., 9 F.3d 1448 (9th Cir. 1993); California Men’s Colony v. Rowland, 939
5 F.2d 854, 858 (9th Cir. 1991) rev’d on other grounds, Rowland v. California Men’s Colony, 506
6 U.S. 194, 113 S. Ct. 716 (1993); United States v. McQuade, 647 F.2d 938, 1940 (9th Cir. 1981)
7 (per curiam); Stehouwer v. Hennessey, 841 F. Supp. 316, (N.D. Cal. 1994), aff’d in part, vacated
8 in part, sub. nom. Olivares v. Marshal, 59 F.3d 109 (9th Cir. 1995).

9 In accordance with the above, IT IS HEREBY RECOMMENDED that: Plaintiff’s
10 application to proceed in forma pauperis, filed August 13, 2012, be denied, and plaintiff be given
11 twenty-eight (28) days in which to pay the filing fee of \$350.00.

12 These findings and recommendations are submitted to the United States District
13 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
14 (14) days after being served with these findings and recommendations, plaintiff may file written
15 objections with the court. The document should be captioned “Objections to Magistrate Judge’s
16 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
17 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
18 F.2d 1153 (9th Cir. 1991).

19 DATED: September 11, 2012

20 /s/ Gregory G. Hollows
21 UNITED STATES MAGISTRATE JUDGE

22
23 GGH:076/Alfaro2113.ifp-fr.wpd
24
25
26