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

JAMES K. OWENS

Plaintiff,

2:12-cv-02380 KJM CKD PS

vs.

MARK HOLLITZ

Defendants.

ORDER

_____/

Plaintiff is proceeding pro se and has filed an application to proceed in forma pauperis. Dkt. 2, See 28 U.S.C. §§ 1914(a), 1915(a). His application, however, is incomplete. Plaintiff will be provided the opportunity to submit an amended, complete application in support of a request to proceed in forma pauperis or the appropriate filing fee.

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 person who makes affidavit that he is unable to pay such costs or give security therefor.” 28 U.S.C. § 1915(a). In paragraph two of the application, plaintiff states that he is presently employed as a California State contractor but fails to include any earnings information in connection with that employment. Without this information, the court cannot decide whether

1 plaintiff makes an adequate showing of indigency to allow him to proceed in forma pauperis.
2 See United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981) (requiring some particularity,
3 definiteness, and certainty regarding plaintiff's claim of poverty), Franklin v. U.S. Bank Nat.
4 Ass'n., 2010 WL 2197349, at *1 (S.D. Cal. May 28, 2010) (denying application for proceeding
5 in forma pauperis where plaintiff failed to provide numerical values of his savings and assets).

6 Plaintiff will therefore be granted twenty-one days in which to amend and re-file
7 his application or submit the appropriate filing fee to the Clerk of the Court. Plaintiff is
8 cautioned that failure to do either will result in a recommendation that the application to proceed
9 in forma pauperis be denied and the instant action be dismissed without prejudice.

10 Accordingly, IT IS HEREBY ORDERED that,

- 11 1. Plaintiff shall submit, within twenty-one (21) days from the date of this
12 order, either a completed application and affidavit in support of his request
13 to proceed in forma pauperis on the form provided by the Clerk of Court,
14 or the appropriate filing fee; plaintiff's failure to comply with this order
15 will result in a recommendation that this action be dismissed; and
- 16 2. The Clerk of Court is directed to send plaintiff a new Application to
17 Proceed in Forma Pauperis.

18 Dated: September 24, 2012

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20 CAROLYN K. DELANEY
21 UNITED STATES MAGISTRATE JUDGE

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