

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

RICHARD CASAREZ,

Plaintiff,

No. 2:13-cv-0816 KJM KJN PS

v.

W. POLICE SACRAMENTO,

Defendant.

ORDER

On April 25, 2013, plaintiff Richard Casarez, proceeding without counsel, filed this action and requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.¹ (Dkt. Nos. 1, 2.) Pursuant to federal statute, a filing fee of \$350 is generally required to commence a civil action in federal district court. 28 U.S.C. § 1914(a). However, the court may authorize the commencement of an action “without prepayment of fees or security therefor” by a person that is unable to pay such fees or provide security therefor. 28 U.S.C. § 1915(a)(1).

Plaintiff’s request to proceed in forma pauperis does not demonstrate that he is unable to pay the initial filing fee. The filing merely requests that plaintiff be permitted to proceed in forma pauperis, but does not contain any information regarding plaintiff’s income,

¹ This action proceeds before the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 assets, and liabilities from which the court could determine whether or not plaintiff is able to pay
2 the filing fee.² The request stated that a supporting affidavit was attached, but no such affidavit
3 appears in the court's records.

4 Thus, plaintiff has made an inadequate showing of indigency. See Olivares v.
5 Marshall, 59 F.3d 109, 112 (9th Cir. 1995); Alexander v. Carson Adult High Sch., 9 F.3d 1448,
6 1449 (9th Cir. 1993).


7 For the foregoing reasons, IT IS HEREBY ORDERED that:

8 1. Plaintiff's application to proceed in forma pauperis (dkt. no. 2) is DENIED
9 WITHOUT PREJUDICE.

10 2. Within 28 days of the date of this order, plaintiff shall either (a) pay the
11 applicable filing fee or (b) file an amended application to proceed in forma pauperis that
12 adequately demonstrates that plaintiff is unable to pay the filing fee. Plaintiff's failure to either
13 pay the filing fee or file a sufficient amended application to proceed in forma pauperis by the
14 above deadline will result in a recommendation that the action be dismissed pursuant to Federal
15 Rule of Civil Procedure 41(b).

16 IT IS SO ORDERED.

17 DATED: May 1, 2013

18
19 
20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE
22
23
24

25 ² Plaintiff also appears to have used the wrong form, because the request references in
26 forma pauperis status on appeal, whereas this action proceeds in federal district court. (Dkt. No.
2.)