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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM WHITSITT,
Plaintiff,
v.
AMAZON.COM, et al.,
Defendants.

No. 2:14-cv-416 TLN CKD PS

ORDER TO SHOW CAUSE

Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 302(c)(21).

The federal in forma pauperis statute authorizes federal courts to dismiss a case where plaintiff makes false allegations in the affidavit in support of the in forma pauperis application. 28 U.S.C. § 1915(e)(2)(A). The court may also dismiss an action if it is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

Plaintiff’s affidavit in support of the in forma pauperis application states that plaintiff has received no money from any source in the past twelve months. This statement contradicts the allegations of the instant complaint wherein plaintiff alleges he was employed by defendant for a period of time during the calendar year 2013. Plaintiff also fails to state, as required by the in

1 forma pauperis application, the date of his last employment and the amount of his take home pay.
2 In other complaints filed by plaintiff in this district, he has also repeatedly claimed to have no
3 source of income or support, including any receipt of social welfare assistance such as
4 Supplemental Security Income or General Assistance. See, e.g. 2:12-cv-289 JAM CKD PS, ECF
5 No. 2; 2:12-cv-2167 GEB GGH PS, ECF No. 2; 2:13-cv 117 MCE AC PS, ECF No. 2; 2:13-cv-
6 118 KJM GGH PS, ECF No. 2; 2:13-cv-119 GEB CKD PS, ECF No. 2. Plaintiff's statement,
7 made under penalty of perjury, that he has received no income from employment or other sources
8 is also plainly belied by allegations in the complaint filed in case no. 2:13-cv-119 GEB CKD PS,
9 wherein plaintiff alleged he was receiving pension benefits, and the allegations in case no. 2:13-
10 cv 117 MCE AC PS, wherein plaintiff alleged he was temporarily employed in March 2012.

11 Plaintiff lists as his address a residential location in Stockton, California. Plaintiff has
12 resided at this address since at least 2006. See 2:06-cv-0397 MCE JFM PS (plaintiff's address in
13 2006 same address as listed in current complaint). The veracity of plaintiff's averments that he
14 has absolutely no source of income, support, or assets, and has had none for several years, is
15 seriously called into question by plaintiff's apparent ability to support himself. Because it
16 appears plaintiff has made material false statements on his affidavit in support of the application
17 to proceed in forma pauperis, plaintiff shall be ordered to show cause why this action should not
18 be dismissed under 28 U.S.C. § 1915(e)(2)(A).

19 Accordingly, IT IS HEREBY ORDERED that no later than March 4, 2014, plaintiff shall
20 show cause why this action should not be dismissed for false statements made on the in forma
21 pauperis affidavit.

22 Dated: February 18, 2014

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24 _____
25 CAROLYN K. DELANEY
26 UNITED STATES MAGISTRATE JUDGE