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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID CRAMER,  
Plaintiff,  
v.  
CITY OF AUBURN, et al.,  
Defendants.

No. 2:15-cv-00462-KJM-AC

ORDER


Plaintiff is proceeding pro se. Plaintiff has filed an in forma pauperis affidavit in which he states that he is self-employed, but does not reveal his wages. ECF No. 2. Plaintiff’s application also states that he has \$32,000.00 in in cash or in a checking or savings account. Id.

The court finds that plaintiff’s affidavit fails to establish that he is unable to pay the court’s filing fee and accordingly denies his application to proceed in forma pauperis. 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). The amount plaintiff has in cash and/or a bank account shows that plaintiff is able to pay the filing fee and costs. Thus, plaintiff has made an inadequate showing of indigency. See Alexander v. Carson Adult High Sch., 9 F.3d 1448 (9th Cir. 1993); California Men's Colony v. Rowland, 939 F.2d 854, 858 (9th

1 Cir. 1991); Stehouwer v. Hennessey, 841 F. Supp. 316, (N.D. Cal. 1994). Plaintiff will therefore  
2 be granted twenty (20) days in which to submit the appropriate filing fee to the Clerk of the  
3 Court. Plaintiff is cautioned that failure to pay the fee will result in a recommendation that the  
4 application to proceed in forma pauperis be denied and the instant action be dismissed without  
5 prejudice.

6 Accordingly, IT IS HEREBY ORDERED that, within twenty days from the date of this  
7 order, plaintiff shall submit the appropriate filing fee.

8 DATED: March 20, 2015

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10 ALLISON CLAIRE  
11 UNITED STATES MAGISTRATE JUDGE  
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