

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

HURSEL FLOYD MITCHELL,

No. 2:15-cv-00744-KJM-AC

Plaintiff,

ORDER

SACRAMENTO COUNTY BEHAVIORAL HEALTH,

Defendant.

Plaintiff is proceeding pro se. Plaintiff has filed an in forma pauperis affidavit that is largely unreadable. ECF No. 2. The affidavit claims gross pay or wages of \$2,899.00 but fails to specify the corresponding pay period, and fails to provide a take-home amount. Plaintiff also indicates that he has some income from business or self-employment, but omits details. His responses to other questions are illegible and do not include the requested figures. Id.

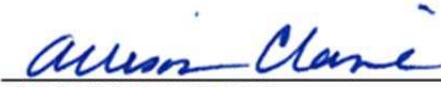
The court finds that plaintiff's affidavit fails to establish that he is unable to pay the court's filing fee and accordingly denies his application to proceed in forma pauperis. Pursuant to federal statute, a filing fee of \$350.00 is required to commence a civil action in federal district court. 28 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). Plaintiff's affidavit, however, is simply not complete. Plaintiff does not state during what period he earns \$2,899.00,

1 nor does he state how much income he earns from business or self-employment. Accordingly,
2 plaintiff has made an inadequate showing of indigency. See Alexander v. Carson Adult High
3 Sch., 9 F.3d 1448 (9th Cir. 1993); California Men's Colony v. Rowland, 939 F.2d 854, 858 (9th
4 Cir. 1991); Stehouwer v. Hennessey, 841 F. Supp. 316, (N.D. Cal. 1994).

5 Plaintiff will therefore be granted twenty (20) days in which to file a second application to
6 proceed in forma pauperis or submit the appropriate filing fee to the Clerk of the Court. If
7 plaintiff decides to file a second application he must ensure that it is readable. Plaintiff is
8 cautioned that failure to either pay his fee or file a second application will result in a
9 recommendation that the instant action be dismissed without prejudice.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma
11 pauperis, ECF No. 2, is DENIED. Plaintiff must file either a second application to proceed in
12 forma pauperis or the appropriate filing fee to the Clerk of the Court within twenty (20) days.

13 DATED: April 28, 2015

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE

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