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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 HURSEL FLOYD MITCHELL,

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

12 Plaintiff,

13 v.

ORDER

14 SACRAMENTO COUNTY  
15 BEHAVIORAL HEALTH,

16 Defendant.

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


22 The court finds that plaintiff's affidavit fails to establish that he is unable to pay the  
23 court's filing fee and accordingly denies his application to proceed in forma pauperis. Pursuant to  
24 federal statute, a filing fee of \$350.00 is required to commence a civil action in federal district  
25 court. 28 U.S.C. § 1914(a). The court may authorize the commencement of an action "without  
26 prepayment of fees and costs or security therefor, by a person who makes affidavit that he is  
27 unable to pay such costs or give security therefor." 28 U.S.C. § 1915(a). Plaintiff's affidavit,  
28 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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