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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY LEE SLOAN, JR.,  
Plaintiff,  
v.  
COMMISSIONER OF THE  
DEPARTMENT OF CORRECTIONS  
AND REHABILITATION, et al.,  
Defendants.

No. 2:15-cv-1921 MCE AC P

ORDER

Plaintiff, a state prisoner, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed an in forma pauperis affidavit and certified prison trust account statement that shows he currently has \$8,997.67 in his account. ECF No. 9.

In order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure and either pay both the \$350.00 filing fee and the \$50.00 administrative fee for a civil action or file an application requesting leave to proceed in forma pauperis.<sup>1</sup> See 28 U.S.C. §§ 1914(a), 1915(a). The court may authorize the commencement of an action “without prepayment of fees or security therefor” by an individual who submits an affidavit evidencing an inability to pay such fees or give security therefor. 28 U.S.C. § 1915(a).

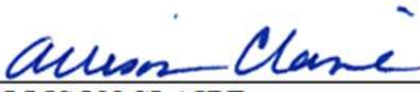
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<sup>1</sup> Litigants proceeding in forma pauperis are not required to pay the \$50.00 administrative fee.

1 Plaintiff has made an inadequate showing of indigency in the affidavit before the court. He will  
2 therefore be granted twenty-one days in which to submit the appropriate filing fee to the Clerk of  
3 the 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-one days from the date of  
7 this order, plaintiff shall submit the appropriate filing and administrative fees totaling \$400 to the  
8 Clerk of the Court.

9 DATED: March 2, 2016

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11 ALLISON CLAIRE  
12 UNITED STATES MAGISTRATE JUDGE  
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