

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM McKENZIE,
Plaintiff,
v.
PACIFIC BELL TELEPHONE
COMPANY, et al.,
Defendants.

No. 2:15-cv-2325 TLN CKD

ORDER

Plaintiff’s motion to proceed in forma pauperis was referred to the undersigned by minute order dated November 10, 2015. Plaintiff has not paid the fee ordinarily required to file an action in this court, and filed an incomplete application to proceed without prepayment of fees. See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff has now submitted a completed application.


Plaintiff states that her bi-weekly take home pay is \$2,500, that her rent is \$1500 and that she pays utilities of about \$400 and other expenses in the amount of \$300.

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). In addition, a \$50.00 general administrative fee for civil cases must be paid. 28 U.S.C. § 1914(b). 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

1 amount of plaintiff's income shows that plaintiff is able to pay the filing fee and costs. Thus,
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 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted fourteen days in which
6 to submit the appropriate fees to the Clerk of the Court. Plaintiff is cautioned that failure to pay
7 the filing and general administrative fees in the amount of \$400 will result in a recommendation
8 that the application to proceed in forma pauperis be denied and the instant action be dismissed
9 without prejudice.

10 Dated: December 1, 2015

11 
12 _____
13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28
14 mckenz2325.ifp.den