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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARILEE BROWN,
Plaintiff,
v.
SALLY JEWELL,
Defendant.

No. 2:16-cv-0637 MCE CKD PS

ORDER

Plaintiff is proceeding pro se. Plaintiff has filed an in forma pauperis affidavit¹ in which she states that she receives an annual disability annuity in the amount of \$30,000 per year, owns ten acres of land in Nevada, for which she paid \$40,000 25 years ago, but which has lost value due to the recession, and owns a home in California bought in 2004 with a remaining mortgage of \$150,750. Plaintiff also indicates that she has almost \$7,000 in cash reserves in her bank accounts and has a Thrift Savings Plan account and sums in an IRA but does not indicate the amounts held in those accounts.

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¹ After issuance of the court’s March 30, 2016 order directing plaintiff to file a completed in forma pauperis application, the Clerk of Court corrected the image visible on the court’s docket of plaintiff’s motion to proceed in forma pauperis. ECF Nos. 2 (Main Document 2 replaced on 4/4/2016). The court will therefore vacate the March 30, 2016 order and has based the determination herein on the corrected image.

1 Pursuant to federal statute, a filing fee of \$350.00 is required to commence a civil action
2 in federal district court. 28 U.S.C. § 1914(a). In addition, a \$50.00 general administrative fee for
3 civil cases must be paid. 28 U.S.C. § 1914(b). The court may authorize the commencement of an
4 action “without prepayment of fees and costs or security therefor, by a person who makes
5 affidavit that he is unable to pay such costs or give security therefor.” 28 U.S.C. § 1915(a). The
6 amount of plaintiff’s disability income and assets show that plaintiff is able to pay the filing fee
7 and costs. Thus, plaintiff has made an inadequate showing of indigency. See Alexander v.
8 Carson Adult High Sch., 9 F.3d 1448 (9th Cir. 1993); California Men’s Colony v. Rowland, 939
9 F.2d 854, 858 (9th Cir. 1991); Stehouwer v. Hennessey, 841 F. Supp. 316, (N.D. Cal. 1994).

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The March 30, 2016 order (ECF No. 4) is vacated; and
- 12 2. Plaintiff is granted fourteen days in which to submit the appropriate fees to the Clerk of
13 the Court. Plaintiff is cautioned that failure to pay the filing and general administrative fees in the
14 amount of \$400 will result in a recommendation that the application to proceed in forma pauperis
15 be denied and the instant action be dismissed without prejudice.

16 Dated: April 6, 2016

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19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE

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