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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

FERNANDO REGGIE
COOK-MORALES, SR.,

No. 2:16-cv-2388-MCE-CMK

Plaintiff,

vs.

ORDER

WILLIAM J. DAVIS, et al.,

Defendants.

_____/

Plaintiff, proceeding in propria persona, brings this civil rights action under 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for leave to proceed in forma pauperis (Doc. 2). However, the motion is incomplete.

To prevail on a motion for leave to proceed in forma pauperis, a plaintiff need not demonstrate s/he is completely destitute, but they must show that, because of their poverty, they cannot pay the filing fee and still provide their dependents with the necessities of life. See Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948). A “showing of something more than mere hardship must be made.” Martin v. Gulf States Utilities Co., 221 F.Supp. 757, 759 (W.D. LA 1963).

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1 Here, plaintiff's application fails to set forth what income he may have. In
2 response to question number 3, plaintiff marked that he receives disability or worker's
3 compensation and income from other sources. However, he failed to describe each source of
4 money and the amount received as required.

5 In addition, there is no response at all to questions 1 or 2, 4, and 5. Questions 1
6 and 2 are alternatives, but one or the other is required, even if plaintiff is not currently employed.
7 If plaintiff does not have the assets the questions are asking, he may state that he has none.
8 However, he is required to answer the questions asked prior to being granted leave to proceed in
9 forma pauperis.

10 Plaintiff will be provided an opportunity to either pay the filing fees for this action
11 or submit a completed application for leave to proceed in forma pauperis. Plaintiff is cautioned
12 that failure to comply with this order may result in dismissal of the action. See Local Rule 110.

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is denied
15 without prejudice;

16 2. Within 15 days of the date of this order, plaintiff shall either pay the filing
17 fees for this action or submit a completed application for leave to proceed in forma pauperis.

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19 DATED: April 18, 2018

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21 **CRAIG M. KELLISON**
22 UNITED STATES MAGISTRATE JUDGE
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