1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 AARON WALKER, No. 2:17-cv-00884 JAM AC P 12 Plaintiff. 13 v. **ORDER** 14 J. CHENOWETH, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se in an action brought under 42 U.S.C. § 1983. 18 In addition to filing a complaint (ECF No. 1), plaintiff has filed an application to proceed in 19 forma pauperis under 28 U.S.C. § 1915. ECF No. 2. The court, for the reasons stated hereafter, 20 will deny plaintiff's application because it finds that he has sufficient funds to pay the filing fee. 21 The Ninth Circuit has held that "[s]ection 1915 typically requires the reviewing court to 22 exercise its sound discretion in determining whether the affiant has satisfied the statute's 23 requirement of indigency." Cal. Men's Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991), 24 reversed on other grounds in 506 U.S. 194 (1993). To satisfy § 1915(a), an applicant is only 25 required to state that he "cannot because of his poverty pay or give security for the costs . . . and 26 still be able to provide himself and dependents with the necessities of life." Adkins v. E. I. 27 DuPont de Nemours & Co., 335 U.S. 331, 339 (1948) (internal quotation marks omitted). 28 Accordingly, district courts tend to reject applications which indicate that an applicant can pay the 1

1	filing fee with acceptable sacrifices to other expenses. See Olivares v. Marshall, 59 F.3d 109, 112
2	(9th Cir. 1995). Here, plaintiff's "Inmate Statement Report" indicates that, as of April 21, 2017,
3	he had 11,712.86 dollars in his prisoner account. ECF No. 2 at 5. There is no indication that
4	these funds are earmarked for some other necessary purpose or that subtracting the full filing fee
5	from this amount would leave plaintiff unable to provide for himself. Accordingly, the court
6	finds that plaintiff fails to meet the requirements of section 1915 for in forma pauperis status.
7	IT IS HEREBY ORDERED that:
8	1. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is denied;
9	2. Plaintiff should submit the 400 dollar filing fee within thirty days of this order's
10	entry; and
11	3. Failure to comply with this order will result in a recommendation that this action
12	be dismissed without prejudice.
13	DATED: June 19, 2017
14	ALLISON CLAIRE
15	UNITED STATES MAGISTRATE JUDGE
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