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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICOLE D. PRATER,
Plaintiff,
v.
MEDLINE, et al.,
Defendant.

No. 2:17-cv-01079-MCE-CKD (PS)

ORDER

Plaintiff is proceeding pro se. Plaintiff has filed an in forma pauperis affidavit in which she states that her gross wages are \$1640.00 every two weeks, i.e., \$42,640 annually.¹ (ECF No. 2.) According to the United States Department of Health and Human Services, the poverty guideline for a household of 1 person not residing in Alaska or Hawaii is \$12,060.00 for 2017. See <https://aspe.hhs.gov/poverty-guidelines>. Thus, plaintiff’s gross household income is in excess of 350% of the 2017 poverty guideline.

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

¹ This case was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(21).

1 affidavit that he is unable to pay such costs or give security therefor.” 28 U.S.C. § 1915(a). The
2 amount of plaintiff’s income shows that plaintiff is able to pay the filing fee and costs. Thus,
3 plaintiff has made an inadequate showing of indigency. See Alexander v. Carson Adult High
4 Sch., 9 F.3d 1448 (9th Cir. 1993); California Men’s Colony v. Rowland, 939 F.2d 854, 858 (9th
5 Cir. 1991); Stehouwer v. Hennessey, 841 F. Supp. 316, (N.D. Cal. 1994).

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

11 Dated: August 24, 2017

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13 _____
14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE

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