

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

MICHAEL DEAN,
Plaintiff,
v.
GALT PLACE SENIOR LIVING,
Defendant.

No. 2:18-cv-01693-KJM-CKD

ORDER

On June 11, 2018, plaintiff Michael Dean, proceeding without counsel, filed this action.¹ (ECF No. 1.) At the same time, plaintiff requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.)

Under 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 or security therefor” by a person who is unable to pay such fees or provide security therefor. 28 U.S.C. § 1915(a)(1).

In his application to proceed *in forma pauperis*, plaintiff asserts that he has received pension, annuity, or life insurance payments in the past year, but has failed to state the amount he

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

1 has received and what he expects to receive in the future. (ECF No. 2 at 1.) As a result, it is
2 unclear what plaintiff's total annual income is. Therefore, plaintiff has failed to make an
3 adequate showing of indigency. See Alexander v. Carson Adult High Sch., 9 F.3d 1448 (9th Cir.
4 1993); California Men's Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991); Stehouwer v.
5 Hennessey, 841 F. Supp. 316, (N.D. Cal. 1994).

6 For the foregoing reasons, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 2) is DENIED
8 WITHOUT PREJUDICE.
- 9 2. Within 28 days of the date of this order, plaintiff shall either (a) pay the applicable
10 filing fee or (b) file an application to proceed *in forma pauperis* that adequately
11 demonstrates that he is unable to pay the filing fee. Plaintiff's failure to either pay
12 the filing fee or file a sufficient application to proceed *in forma pauperis* by the
13 above deadline will result in a recommendation that the action be dismissed
14 pursuant to Federal Rule of Civil Procedure 41(b).

15 Dated: June 14, 2018

16 
17 _____
18 CAROLYN K. DELANEY
19 UNITED STATES MAGISTRATE JUDGE

20 14/ps.dean.18-1693.IFP denial incomplete
21
22
23
24
25
26
27
28