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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BARON KEITH JOHNNY HANSON, Jr.,
Plaintiff,
v.
TOMMIE BOORE, Jr., et al.,
Defendants.

No. 2:18-cv-1720-EFB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff, a civil detainee proceeding without counsel, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF No. 2. Because he has not shown that he is unable to prepay the filing fee for this action, his request to proceed in forma pauperis must be denied.

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). This court also requires a \$50 administrative fee. The court may authorize the commencement of an action without prepayment of the fees and costs by a person who submits an affidavit showing that he is unable to pay, i.e., that because of his poverty, he cannot afford the court costs and still provide himself and his dependents with the necessities of life. 28 U.S.C. § 1915(a)(1); *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir. 2004) (affidavit is sufficient if it represents that the litigant is “unable to pay for the court fees and costs, and to provide necessities for himself and his dependents”) (citing *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948)).

1 Plaintiff's in forma pauperis application reflects that he is financially able to prepay the
2 filing fee to commence this action. See ECF No. 2 at 2 (listing, among other assets, cash in the
3 amount of \$1,549,000). Thus, it is apparent from plaintiff's application that he has sufficient
4 funds to prepay the \$400 filing fee with funds remaining to provide necessities for himself and his
5 dependents.

6 Accordingly, it is hereby ORDERED that the Clerk is directed to randomly assign a
7 United States District Judge to this case.

8 Further, it is RECOMMENDED that:

- 9 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 2) be denied;
- 10 2. Plaintiff be directed to pay the \$400 filing fee within 30 days of any order adopting
11 this recommendation; and
- 12 3. Plaintiff be admonished that failure to comply will result in the dismissal of this
13 action.

14 These findings and recommendations are submitted to the United States District Judge
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
16 after being served with these findings and recommendations, any party may file written
17 objections with the court and serve a copy on all parties. Such a document should be captioned
18 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
19 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
20 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

21 DATED: July 19, 2018.

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23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE
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