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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CYMEYON V. HILL,

12 Plaintiff,

13 v.

14 M. TORRES, et al.,

15 Defendants.
16

No. 2:22-cv-0970-KJM-EFB (PC)

FINDINGS AND RECOMMENDATIONS

17 Plaintiff is a civil detainee proceeding without counsel in an action brought under 42
18 U.S.C. § 1983 pursuant to a complaint signed on April 28, 2022. ECF No. 1. He has filed an in
19 forma pauperis application in which he states that he has no cash. ECF No. 12 at 3. However, his
20 inmate trust account statement, which was recently filed in three separate lawsuits initiated by
21 plaintiff, reflects that approximately one month prior to signing the instant complaint, plaintiff
22 had a balance of \$3,818.37.¹ See *Hill v. Lynch*, No. 2:22-cv-0342-JDP (E.D. Cal.), ECF No. 9;
23 *Hill v. Aggarwal*, No. 2:22-cv-0571-WBS-DMC (E.D. Cal.), ECF No. 7; see also *Hill v. Hlaing*,
24 No. 2:22-cv-0357-KJM-DMC (E.D. Cal.), ECF No. 8.

25 The court may authorize the commencement of an action “without prepayment of fees or
26 security therefor” by an individual who submits an application evidencing an inability to pay such

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28 ¹ A court may take judicial notice of court records. See *MGIC Indem. Co. v. Weisman*,
803 F.2d 500, 505 (9th Cir. 1986); *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980).


1 fees or give security therefor. 28 U.S.C. § 1915(a). Plaintiff's claim of inability to pay the filing
2 fee in his application before the court is contradicted by his inmate trust account statement. It
3 will therefore be recommended that the application to proceed in forma pauperis be denied and
4 that plaintiff be required to pay the \$402.00 before this action can proceed.

5 Accordingly, IT IS RECOMMENDED that:

- 6 1. Plaintiff's motion for leave to proceed in forma pauperis, ECF No. 12, be DENIED;
7 and
8 2. Plaintiff be ordered to pay the \$402 filing fee within fourteen days from the date of any
9 order adopting these findings and recommendations and be warned that failure to do so will result
10 in the dismissal of this action.

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

18 Dated: August 19, 2022.

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20 EDMUND F. BRENNAN
21 UNITED STATES MAGISTRATE JUDGE
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