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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL LAWRENCE McGARRY,
Plaintiff,
v.
NICK JOHNSON, et al,
Defendants.

No. 2:23-cv-00102-TLN-AC

ORDER

Plaintiff is proceeding in this action pro se. This matter was accordingly referred to the undersigned by E.D. Cal. 302(c)(21). Plaintiff has requested leave to proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. ECF No. 2.

Plaintiff’s IFP application does not make the showing required by 28 U.S.C. § 1915(a)(1). According to the application, plaintiff has earned \$50,000 in the past 12 months through his business and has collected \$4,000 in unemployment. ECF No. 2 at 1. Plaintiff has assets including a home valued at \$800,000.00, and his last filed income tax return, filed in 2021, reflected \$107,000.00 income, and \$400.00 in a bank account. *Id.* at 2. Considering plaintiff’s income, assets, and expenses, plaintiff does not qualify for waiver of the court’s \$400.00 filing fee.

For plaintiff to continue prosecuting this case, he must pay the filing fee no later than February 3, 2023. If plaintiff fails to pay the filing fee, this case will be dismissed. Accordingly,

1 IT IS HEREBY ORDERED that plaintiff's request to proceed IFP (ECF No. 2) is DENIED, and
2 plaintiff must pay the filing fee no later than February 3, 2023, or this case will be dismissed for
3 failure to pay the filing fee.

4 DATED: January 19, 2023



5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE

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