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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MAURICE DI AUNDRA ROGERS,
Plaintiff,
v.
NEVADA COUNTY JAIL, et al.,
Defendants.

No. 2:23-CV-2460-TLN-DMC-P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff’s motion for leave to proceed in forma pauperis, ECF No. 2. Plaintiff has not submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). In his application, Plaintiff states that he has received money from “other sources” in the past 12 months, and Plaintiff identifies this source as a “lawsuit settlement.” ECF No. 2, pgs. 1-2. Plaintiff’s inmate trust account statement indicates Plaintiff had a balance of \$15,011.53 in his trust account as of November 1, 2023. See ECF No. 6. The Court finds that this amount is sufficient for Plaintiff to afford both the initial filing fee of \$405.00 and further litigation of this matter.

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Based on the foregoing, the undersigned recommends that Plaintiff's motion for leave to proceed in forma pauperis, ECF No. 2, be DENIED and that Plaintiff be required to pay the \$405.00 filing fees in full.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after being served with these findings and recommendations, any party may file written objections with the Court. Responses to objections shall be filed within 14 days after service of objections. Failure to file objections within the specified time may waive the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: December 5, 2023



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE