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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

JAMES WILLIAM McKINNEY,

No. CV 09-2605 NJV

Plaintiff,

v.

**ORDERING PLAINTIFF TO FILE  
SUPPLEMENTAL INFORMATION IN  
SUPPORT OF HIS MOTION TO  
PROCEED *IN FORMA PAUPERIS* ON  
APPEAL** (Doc. No. 32)

LAW OFFICE OF JAMES DUNCAN, C.  
DAVID EYSTER, DAVID KINDOPP, and  
PEYMAN HEDAYATI,

Defendants.

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On February 19, 2010, the Court granted Defendants' motions to dismiss for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) and dismissed the action without prejudice. (Doc. No. 29) Plaintiff has filed a motion for leave to proceed *in forma pauperis* on appeal. (Doc. No. 32) Under Federal Rule of Appellate Procedure 24(a), the affidavit in support of the motion to appeal *in forma pauperis* must show the party's inability to pay or give security for fees and costs, claim an entitlement to redress, and include the issues that the party intends to present on appeal. Plaintiff's *in forma pauperis* motion is incomplete because it only provides some detail regarding his ability to pay or give security. Because Plaintiff is proceeding *pro se*, the Court will look to his Notice of Appeal,<sup>1</sup> when filed, for his issues on appeal and claim for entitlement to redress. The Court orders Plaintiff to supplement his *in forma pauperis* motion with the following

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<sup>1</sup> The Court granted Plaintiff an extension to file his Notice of Appeal until April 5, 2010. (Doc. No. 34)

1 information by April 5, 2010:

2 1) The date of Plaintiff's last employment: \_\_\_\_\_

3 2) The name and address of Plaintiff's last employer, and the amount of the gross and net  
4 salary and wages received per month:

5 Gross: \_\_\_\_\_ Net: \_\_\_\_\_

6 Employer: \_\_\_\_\_

7  
8 3) Plaintiff indicates that he received money from the following government sources  
9 within the past twelve (12) months: \$805.00 from "S.S.I." (i.e., Supplemental Security  
10 Income) and \$700.00 from "V.A. Admin." It is unclear whether the amounts Plaintiff  
11 indicated in his application represent the monthly or annual amount received. Please  
12 identify the amount of money Plaintiff receives or received on a monthly basis from each  
13 of these government sources; and whether Plaintiff is currently receiving money from these  
14 government sources.

15 SSI: Currently receiving? Yes \_\_\_ No \_\_\_  
16 Monthly: \_\_\_\_\_ Annual: \_\_\_\_\_

17 Veterans Affairs Benefits: Currently receiving? Yes \_\_\_ No \_\_\_  
18 Monthly: \_\_\_\_\_ Annual: \_\_\_\_\_

19 4) Has Plaintiff received any money within the past twelve (12) months from gifts or other  
20 sources? If yes, identify the monthly and annual amounts received.

21 Gifts: Received within past 12 months? Yes \_\_\_ No \_\_\_  
22 Currently receiving? Yes \_\_\_ No \_\_\_  
23 Monthly: \_\_\_\_\_ Annual: \_\_\_\_\_

24 Other (identify): Received within past 12 months? Yes \_\_\_ No \_\_\_  
25 Currently receiving? Yes \_\_\_ No \_\_\_  
26 Monthly: \_\_\_\_\_ Annual: \_\_\_\_\_

27 Dated: March 18, 2010

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\_\_\_\_\_  
NANDOR J. VADAS  
United States Magistrate Judge