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

JANET H GARFIELD,

No C 03-4124 VRW

Plaintiff,

CA9 Docket No: 09-15664

v

ORDER

MICHAEL J ASTRUE, Commissioner of
Social Security,

Defendant.

_____ /

Plaintiff Janet H Garfield has filed a notice of appeal (Doc #78, 79) from (1) the court's December 12, 2008 order granting defendant's motion for summary judgment against her on the complaint seeking judicial review of the Social Security Administration's final decision time-barred (Doc #74) and (2) the court's order denying her motion under FRCP 59(e) to alter or amend the December 12 order. Doc #77. Plaintiff did not submit the \$455 filing fee with her notice of appeal.


After the clerk of this court sent plaintiff a letter requesting payment of the \$455 fee, plaintiff filed a completed FRAP Form 4, the affidavit accompanying motion for permission to appeal in forma pauperis. Doc #83.

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Plaintiff has not completed the procedural requirements for seeking leave to proceed in forma pauperis on appeal. Because plaintiff did not proceed in forma pauperis when she filed her action in the district court, she is required by FRAP 24(a)(1) to bring a motion seeking leave to proceed in forma pauperis on appeal. The motion must attach an affidavit that not only provides the information sought by Form 4 but also "claims an entitlement to redress" and "states the issues that the party intends to present on appeal." Plaintiff has not brought a motion and her affidavit does not address the latter two requirements.

Plaintiff may bring a motion meeting the requirements of FRAP 24(a)(1) within twenty-one (21) days of the date of this order. Failure to do so will result in denial of in forma pauperis on appeal.

IT IS SO ORDERED.



VAUGHN R WALKER
United States District Chief Judge