

United States District Court

For the Northern District of California

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

CORNELIUS LOVETT,

Plaintiff,

v.

ALPHA EPSILON PHI,

Defendant

No. C-05-3132 MMC

**ORDER DENYING PLAINTIFF'S  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS; NOTICE TO PLAINTIFF**

Before the Court is plaintiff Cornelius Lovett's complaint and application to proceed in forma pauperis.

The filing fee to commence a civil action is \$250. See 28 U.S.C. § 1914(a). A district court, however, may authorize a plaintiff to commence a civil action without payment of the filing fee, if the plaintiff demonstrates that he is "unable to pay such fees or give security therefor." See 28 U.S.C. § 1915(a)(1).

In his application to proceed in forma pauperis, plaintiff states he was last employed on June 9, 2005, and that he received \$2600 per month while employed. (See Application ¶ 1.) Plaintiff also states that he has not received any money in the past twelve months from a business, profession, or self-employment. (See id. ¶ 2.a.) Plaintiff further states that he has no cash, he has no banking accounts, he receives no payments from a government source, and that he owns no assets other than a car, on which he makes a


1 monthly payment of \$350. (See id. ¶¶ 2.e, 6, 7.) Plaintiff nevertheless states that his total  
2 monthly expenses are \$1300 and that he is not accumulating any additional debt, (see id.  
3 ¶¶ 8, 9), which statements appear to be inconsistent with his statements that he has no  
4 income or assets other than his car.

5 In light of the above-referenced inconsistencies in plaintiff's application, the  
6 application is hereby DENIED.

7 If plaintiff wishes to proceed with his complaint, plaintiff must, no later than August  
8 22, 2005, pay the filing fee to the Clerk of the Court or file a new application to proceed in  
9 forma pauperis that clarifies each of the above-referenced inconsistencies. If, by August  
10 22, 2005, plaintiff has not paid the filing fee or submitted a sufficient application to proceed  
11 in forma pauperis, the Court will dismiss plaintiff's complaint without prejudice.

12 **IT IS SO ORDERED.**

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14 Dated: August 10, 2005

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17 MAXINE M. CHESNEY  
18 United States District Judge  
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