

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

W.D. FLIENT,

Plaintiff,

v.

CITY AND COUNTY OF SAN FRANCISCO  
JAIL MEDICAL SERVICES,

Defendant

No. C-06-2534 MMC

**ORDER AFFORDING PLAINTIFF  
OPPORTUNITY TO SUPPLEMENT  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS**

Before the Court is plaintiff W.D. Flient's complaint and his application to proceed in forma pauperis, both of which were filed April 6, 2006.

A district court may authorize a plaintiff to commence a civil action without payment of the requisite filing fee if the plaintiff demonstrates that he is "unable to pay" such fee. See 28 U.S.C. § 1914(a)(1). Here, however, the statements made in plaintiff's application, although under penalty of perjury, are insufficient to support a finding that plaintiff is unable to pay the filing fee. In particular, plaintiff declares that his monthly expenses are \$1,150, (see Application ¶ 8), but that he has no source of income other than net monthly wages in the amount of \$147.37, (see id. ¶¶ 1, 2), and further declares he has no charge accounts,

1 (see id. ¶ 8), bank accounts,<sup>1</sup> (see id. ¶ 7), or assets other than \$27 in cash, (see id.).  
2 Nevertheless, plaintiff denies having any debt other than a student loan and child support  
3 obligations.<sup>2</sup> (See id. ¶ 9).

4 Under the circumstances, the Court declines to rule on the application at the present  
5 time, but will afford plaintiff the opportunity to file a supplemental declaration to explain the  
6 above-referenced inconsistencies.

7 **CONCLUSION**

8 For the reasons stated, plaintiff may supplement his application to proceed in forma  
9 pauperis by filing, no later than April 28, 2006, a declaration, signed under penalty of  
10 perjury, explaining in greater detail the nature of his sources of income, his assets, and his  
11 debts. If plaintiff fails to file a supplemental declaration within the time provided, or if  
12 plaintiff timely files a supplemental declaration but fails to adequately explain therein his  
13 financial circumstances, the Court will deny the application.

14 **IT IS SO ORDERED.**

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16 Dated: April 14, 2006

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18 MAXINE M. CHESNEY  
19 United States District Judge  
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25 <sup>1</sup>Plaintiff attached as an exhibit to his application a copy of a document titled "Direct  
26 Deposit Advance." That exhibit notifies plaintiff that the net portion of his paycheck was  
27 deposited in a bank account ending with the numbers 6795, thus casting serious doubt on  
28 plaintiff's declaration that he does not have a bank account.

<sup>2</sup>The exhibit attached to plaintiff's application indicates that plaintiff's employer is  
garnishing plaintiff's wages. Such garnishment, in light of statements made in plaintiff's  
application, appears to pertain to plaintiff's child support obligations.