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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Reynaldo Tagle,

No. C 08-0861 JL

Plaintiff,

v.

**REFERRAL FOR REASSIGNMENT
WITH RECOMMENDATION**

City of Richmond,

Defendant.

_____ /
This Court previously denied Plaintiff’s application to file in forma pauperis (“IFP”), after finding that he did not satisfy the indigence requirement of 28 U.S.C. §1915. Plaintiff is married and his wife, whose name he does not state, is employed. Her gross monthly income is \$3,200.00. Plaintiff’s income from unemployment benefits is \$450.00 every two weeks. He contributes \$500.00 toward the household expenses. They have two children, boys ages 8 and 12.

Plaintiff owns a home valued at \$440,000.00, with a monthly mortgage payment of \$2,154.00, and he also has a bank account at Washington Mutual with a balance of \$750.00. He also owns a 1977 Ford F150 truck, on which he owes \$1,500.00, but does not list any payment amount. Under expenses, he lists \$2,000.00 per month for rent, even though they own their home, along with \$500.00 for utilities and \$500.00 for food.

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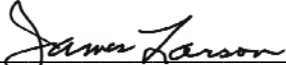
The Court found that Plaintiff had sufficient assets and income to be able to afford the filing fee of \$350.00. For all the above reasons, the Court denied the motion to file IFP.

However, at the time it issued its order, the Court had not received the consent of Plaintiff, which is required before the Court may deny an IFP application. *Tripati v. Rison*, 847 F. 2d 548 (9th Cir. 1988).

Accordingly, the Court hereby refers the case for reassignment to a district court judge, with the recommendation that the application to file IFP be denied.

IT IS SO ORDERED.

DATED: January 29, 2009



JAMES LARSON
Chief Magistrate Judge