

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

AUGUSTINE FALLAY,

Plaintiff,

v.

SAN FRANCISCO CITY AND COUNTY,
et al.,

Defendant.

No. C 08-2261 CRB

**ORDER DENYING PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS ON APPEAL**

Plaintiff's motion to proceed in forma pauperis on appeal is DENIED. The affidavit accompanying Plaintiff's motion indicates that Plaintiff and his spouse earn at least \$3,600 per month and own a home, a luxury automobile, and a bank account with Bank of America. Thus, Plaintiff has not established that he "cannot because of his poverty pay or give security for costs and still be able to provide himself and his dependents with the necessities of life." *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

IT IS SO ORDERED.



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

Dated: July 14, 2010