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

TYRONE HURT,

No. C 12-02728 WHA

Plaintiff,

v.

**ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS
ON APPEAL**

50 States and the City of Washington,
All State Legislatures of the 50 States,
and U.S. Department of Justice,

Defendants.

Pro se plaintiff Tyrone Hurt has filed an application to proceed in forma pauperis on appeal. Plaintiff seeks to appeal this Court’s order of January 3, 2013, denying his motion for leave to file an amended complaint. The ground for appeal appears to be that plaintiff contends the order was inconsistent with the United States Constitution. Federal Rule of Appellate Procedure 24(a) provides that a party who desires to appeal a district court order in forma pauperis must file a motion requesting such relief in the district court. The Rule provides that the party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party’s inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

Plaintiff’s motion does not include sufficient detail regarding plaintiff’s ability to pay. Plaintiff’s conclusory statement that “because of [his] poverty,” he cannot pay the filing fee and that he believes he is entitled to the relief he seeks is insufficient. Nor does plaintiff state the issues he intends to present on appeal.

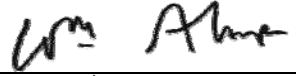
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Moreover, even if plaintiff had complied with the requirements of the rule, the appeal is frivolous. Plaintiff's hand-written complaint was dismissed in part because it was largely illegible. He then filed a hand-written motion entitled "amendment to the complaint." The motion did not state a single claim for relief nor plead any relevant facts that could reasonably be tied to any claim for relief. The motion for leave to amend the complaint was therefore denied. Plaintiff's appeal of the order denying his motion for leave to file an amended complaint is frivolous and not taken in good faith.

Plaintiff's motion to proceed in forma pauperis on appeal is **DENIED**.

IT IS SO ORDERED.

Dated: January 24, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE