

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

**FILED**

MAR - 3 2015

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRED WHITAKER

No. 09-mc- 80277 SI

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Plaintiff(s),  
(Petitioner)

**ORDER RE APPLICATION TO  
PROCEED IN FORMA PAUPERIS**

v.

MICHAEL ASTRUE.

Defendant(s),  
(Respondent)

**CV 15 0993**

**HSG**

IT IS ORDERED that the application to proceed in forma pauperis is GRANTED. Issuance of summons and service will be determined separately.

The complaint having been found to comply with Title 28 USC § 1915, IT IS FURTHER ORDERED that the Clerk issue summons, and IT IS FURTHER ORDERED that the U.S. Marshal for the Northern District of California serve, without prepayment of fees, a copy of the complaint, any amendments, scheduling orders, attachments, plaintiff's affidavit and this order upon the defendant. The Clerk of the Court shall open a District Court case as previously ordered on November 5, 2015.

IT IS ORDERED that the application to proceed in forma pauperis is DENIED, and that the filing fee of \$400.00 be paid no later than \_\_\_\_\_. Failure to pay the filing fee by that date will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

IT IS ORDERED that the application to proceed in forma pauperis is DENIED and the plaintiff is further ordered that:

Filing fee waived in part: partial payment of \$\_\_\_\_\_ due on \_\_\_\_\_, remaining balance to be waived.

Partial payment of \$\_\_\_\_\_ due on \_\_\_\_\_, remaining balance due and payable on \_\_\_\_\_.

Partial payment of \$\_\_\_\_\_ due on \_\_\_\_\_, remaining balance due in installments as follows: \_\_\_\_\_.

Failure to pay this amount will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

Dated: 3/3/15

*Suren Dholton*

UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California

**United States District Court**  
**For the Northern District of California**

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

WHITAKER,

Plaintiff,

v.

ASTRUE,

Defendant.

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Case Number: 09-80288 SI

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 3, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

**Fred A. Whitaker**  
872 69th Avenue  
Oakland, CA 94621

March 3, 2015

Richard W. Wieking, Clerk

By:

