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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 ROSAMANDA FLORES,

6 Plaintiff,

7 v.

8 THE CITY OF CONCORD,

9 Defendant.

Case No. 15-cv-05244-TEH

**ORDER DENYING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS**

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11 Plaintiff Rosamanda Flores initially requested leave to proceed in forma pauperis
12 when she filed her complaint on November 16, 2015. Magistrate Judge Kandis Westmore,
13 who was then presiding over the case, denied this request because Flores failed to answer
14 three questions in the application. The magistrate judge also noted that it “appears that
15 other parts of Plaintiff’s application may be incomplete, as she claims to have limited
16 financial resources, does not indicate whether she has any cash on hand, yet states that her
17 monthly expenses include \$1,220 for rent, \$200 for food, and \$150 for utilities.” Nov. 20,
18 2015 Order at 1 (ECF No. 5). Flores was granted leave to file a second application by
19 December 21, 2015.

20 Flores filed her second application three days late, on December 24, 2015. This
21 application contradicted the first application by changing all monthly expenses to \$0. It
22 also continued to fail to answer the question of whether Flores has any cash on hand.

23 Flores subsequently declined to proceed before a magistrate judge, and the case was
24 reassigned to this Court with a report and recommendation that the Court “defer ruling on
25 Plaintiff’s application to proceed in forma pauperis until Plaintiff files a declaration
26 explaining the discrepancies between the two applications she submitted in this case.”
27 Feb. 4, 2016 R. & R. at 5 (ECF No. 11). Flores filed such a declaration on February 17,
28 2016, stating that her “domestic partner pays for our rent, food and utilities because we

1 live together,” and that Flores personally pays nothing for those items. Feb. 17, 2016
2 Flores Decl. ¶¶ 3-4 (ECF No. 14).

3 Flores does not state whether her “domestic partner” is a registered domestic partner
4 such that Flores would have an interest in her partner’s income and assets under
5 California’s community property laws. In addition, Flores has still failed to answer the
6 question of whether she has any cash on hand. Moreover, this Court notes another
7 discrepancy in her initial and second applications: On both applications, she claimed not
8 to have received any money from a business or profession within the past twelve months in
9 her response to Question 2a, but she stated that she last received wages in April 2015 – i.e.,
10 within the twelve-month period – in response to Question 1.

11 Given these discrepancies, the Court cannot find that Flores “is unable to pay
12 [court] fees or give security therefor.” 28 U.S.C. § 1915(a)(1). Accordingly, her
13 application for leave to proceed in forma pauperis is DENIED, and the Court finds the
14 magistrate judge’s report and recommendation to be moot.

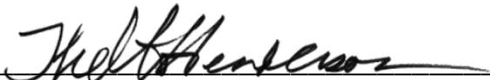
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16 **IT IS SO ORDERED.**

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18 Dated: 02/24/16

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THELTON E. HENDERSON
United States District Judge

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