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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6

7 WILLIAM J. WHITSITT,

8 Plaintiff,

9 v.

10 WEST VALLEY STAFFING GROUP, et
11 al.,

12 Defendants.

Case No. [16-cv-00797-MMC](#)

**ORDER GRANTING DEFENDANT
TESLA MOTORS, INC.'S MOTION TO
RECONSIDER ORDER GRANTING
PLAINTIFF'S IN FORMA PAUPERIS
APPLICATION**

Re: Dkt. No. 73

13 On February 17, 2016, plaintiff William J. Whitsitt filed an application to proceed in
14 forma pauperis ("IFP") in the above-titled action, which application was granted on
15 February 23, 2016, by the judge to whom the matter previously was assigned ("Order
16 Granting IFP").¹ Now before the Court is defendant Tesla Motors, Inc.'s ("Tesla") motion,
17 filed April 18, 2017, asking the Court to reconsider the Order Granting IFP. Plaintiff has
18 filed opposition, to which Tesla has replied. Having read and considered the papers filed
19 in support of and in opposition to the motion, the Court deems the matter suitable for
20 decision thereon, VACATES the hearing scheduled for June 2, 2017, and GRANTS the
21 motion as follows.

22 As Tesla correctly observes, the IFP application plaintiff filed in the instant action is
23 identical to the IFP application he filed on December 19, 2016, in a related case, Case
24 No. 16-7234. As Tesla further points out, the Court, on February 8, 2017, denied the IFP
25 application filed in Case No. 16-7234, for the reason that plaintiff's statements as to his
26 monthly expenses appeared to be inconsistent with his statements that he had no income

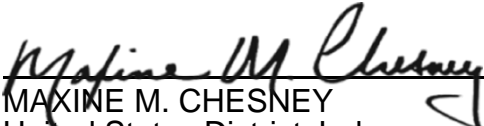
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28 ¹ The case was reassigned to the undersigned on September 26, 2016.

1 or assets. Tesla argues that, under such circumstances, the Court should reconsider the
2 Order Granting IFP in the instant case. The Court agrees and, having reconsidered the
3 IFP application plaintiff filed February 17, 2016, finds it is insufficient for the reasons
4 stated in the Court's order, filed February 8, 2017, in the related case, Case No. 16-
5 7234.²

6 In light thereof, plaintiff, should he wish to proceed with the above-titled action, is
7 hereby DIRECTED to either pay the filing fee to the Clerk of the Court by June 9, 2017,
8 or file by that date a new IFP application that clarifies the inconsistencies identified in
9 Exhibit A. If, by June 9, 2017, plaintiff has not paid the filing fee or submitted a sufficient
10 application to proceed in forma pauperis, the Court will dismiss plaintiff's complaint
11 without prejudice.

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13 **IT IS SO ORDERED.**

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15 Dated: May 26, 2017

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17 MAXINE M. CHESNEY
18 United States District Judge

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² Said order is attached hereto as Exhibit A.