

1
2
3
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-07234-MMC](#)

**ORDER DENYING PLAINTIFF'S
SECOND APPLICATION TO PROCEED
IN FORMA PAUPERIS**

Re: Dkt. No. 16

13 Before the Court is plaintiff William J. Whitsitt's second application to proceed in
14 forma pauperis ("IFP"). On May 3, 2017, defendant Tesla Motors, Inc. ("Tesla") filed its
15 "Opposition and Objection to Plaintiff's In Forma Pauperis Application."

16 The filing fee to commence a civil action is \$400. A district court, however, may
17 authorize a plaintiff to commence a civil action without payment of the filing fee, if the
18 plaintiff demonstrates that he is "unable to pay such fee[] or give security therefor." See
19 28 U.S.C. § 1915(a)(1).

20 In his application to proceed IFP, plaintiff, in response to the question "Do you
21 have a bank account?," checked "Yes," but, in the space provided for the "Name(s) and
22 Address(es) of bank," entered "William J. Whitsitt." (See Application ¶ 7.) Moreover,
23 plaintiff has not written anything in the space provided for the "Present balance(s)." (See
24 id.) As to the next inquiry, "Do you own any cash?," plaintiff has not checked either "Yes"
25 or "No," but did write "\$200.00" after the word "Amount." (See id.)

26 Given the above discrepancies, the Court is unable to ascertain whether, in
27 addition to the \$200 plaintiff appears to indicate he has in cash, he also has a valid bank
28 account and, if so, what sum is currently held in any such account. Without clarification,

1 the Court cannot determine whether plaintiff “is unable to pay [the filing] fee[] or give
2 security therefor.” See 28 U.S.C. § 1915(a)(1).

3 Accordingly, the application is hereby DENIED.¹

4 If plaintiff wishes to proceed with the instant action, plaintiff must, no later than
5 May 22, 2017, pay the filing fee to the Clerk of Court or file a new application to proceed
6 IFP that clarifies each of the above-referenced inconsistencies. Any opposition/objection
7 thereto shall be filed no later than ten days thereafter.

8 If, by May 22, 2017, plaintiff has not paid the filing fee or submitted a sufficient
9 application to proceed IFP, the Court will dismiss plaintiff’s complaint.


10

11 **IT IS SO ORDERED.**

12

13 Dated: May 8, 2017

14


MAXINE M. CHESNEY
United States District Judge

15

16

17

18

19

20

21

22

23

24

25

26

27

28

¹ Given the above ruling, the Court has not addressed herein each of the other grounds on which Tesla opposes the application. The Court notes, however, that, contrary to Tesla’s argument, prior cases in which similar, but not the same, claims have been made need not be listed in response to Question No. 10, nor are IFP applications ordinarily served on the defendant(s).