

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

TODD ASHKER and DANNY TROXELL,
Plaintiffs,
v.
ARNOLD SCHWARZENEGGER, et al.,
Defendants.

No. 05-03286 CW
ORDER DENYING
APPLICATION TO
PROCEED IN FORMA
PAUPERIS ON
APPEAL
(DOCKET # 387)

Plaintiff Todd Ashker, an inmate at Pelican Bay State Prison (PBSP), applies to proceed in forma pauperis on appeal of this civil rights action.

Under 28 U.S.C. § 1915, a court is authorized to allow a plaintiff to appeal in forma pauperis upon the submission of an affidavit that includes a statement of all assets showing that the person is unable to pay such fees. A prisoner must also submit a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of the notice of appeal.

Mr. Ashker has filed an affidavit and a certified copy of his prison trust fund account. In his affidavit, he states that, in addition to his prison trust account, he has a small amount of money in a trust fund that he is not able to access. Plaintiff's

1 affidavit omits a description of this personal trust account, the
2 balance of funds it contains and the reason he cannot access those
3 funds. Until these deficiencies are remedied, the Court cannot
4 ascertain whether Plaintiff is able to pay the fees on appeal.

5 Therefore, Plaintiff's request to proceed in forma pauperis on
6 appeal is denied without prejudice to re-filing to correct the
7 deficiencies noted above.

8

9

10 IT IS SO ORDERED.

11

12

13

Dated: June 1, 2010

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Claudia Wilken

CLAUDIA WILKEN
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ASHKER ET AL et al,

Case Number: CV05-03286 CW

5 Plaintiff,

CERTIFICATE OF SERVICE

6 v.

7 SCHWARZENEGGER ET AL et al,

8 Defendant.

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

11 That on June 1, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies)
12 in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in
13 the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's
14 office.

15 Danny Troxell B-76578
16 Pelican Bay State Prison
17 P.O. Box 7500, C-8-101
18 Crescent City, CA 95531

19 Todd Ashker C-58191
20 Pelican Bay State Prison
21 P.O. Box 7500, D1-119
22 Crescent City, CA 95531

23 Dated: June 1, 2010

24 Richard W. Wieking, Clerk
25 By: Ronnie Hersler, Administrative Law Clerk
26
27
28

United States District Court
For the Northern District of California