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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOWHAR ALSABUR,  
Plaintiff,  
v.  
AUTOZONE, INC.,  
Defendant.

Case No. 13-cv-01689-KAW

ORDER DENYING PLAINTIFF'S  
REQUEST TO PROCEED IN FORMA  
PAUPERIS ON APPEAL

Dkt. No. 76

On August 28, 2014, Plaintiff Jowhar Alsabur filed a notice of appeal of the Court's granting of Defendant Autozone, Inc.'s motion for summary judgment, which closed the case, and submitted an application to proceed in forma pauperis on appeal. Pursuant to 28 U.S.C. § 1915(a), Plaintiff's request is DENIED on the grounds that he has not satisfied the requirements set forth in Rule 24 of the Federal Rules of Appellate Procedure.

Specifically, while Plaintiff may have had his filing fee waived when he filed the action in state court—a fact unknown to the district court because Defendant paid the filing fee upon removal—he never sought prior approval from the district court to proceed in forma pauperis. Since Plaintiff was not authorized to proceed IFP by a federal court under § 1915(a), he was required to attach an affidavit to his application that

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

Fed. R. App. P. 24(a)(1). Plaintiff did not attach an affidavit to his application. Moreover, the Court notes that Form 4 requires the disclosure of substantially more financial information than is sought by the U.S. District Court for the Northern District of California, which was the only

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document filed in connection with this request. Form 4 is available online at  
<http://www.ca9.uscourts.gov/forms/>.

Since Plaintiff did not comply with Rule 24(a)(1), his application to proceed in forma pauperis on appeal must be denied. Plaintiff may file a motion before the Ninth Circuit to proceed in forma pauperis on appeal, but must file that motion within 30 days of service of this denial. *See* Fed. R. App. P. 24(a)(5).

IT IS SO ORDERED.

Dated: August 29, 2014

  
KANDIS A. WESTMORE  
United States Magistrate Judge