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28E-FILED on: 10/3/2008

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMAR JAMES EVANS,

Plaintiff,

v.

OFFICE OF COUNTY COUNSEL, *et al.*,

Defendants.

No. C-05-03319 RMW

ORDER WITHDRAWING ORDER
GRANTING APPLICATION TO PROCEED
IN FORMA PAUPERIS AND DENYING
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS

[Re Docket Nos. 3, 8]

On March 4, 2008, this court granted Mr. Evans' application to proceed *in forma pauperis*. That order issued in error, and the court hereby withdraws its earlier grant of the application to proceed *in forma pauperis*.

Based on Mr. Evans' sworn application, he receives \$1,500 per month and has minimal expenses, totaling \$136 per month in food. From this information, it appears that Mr. Evans' has a net income of over \$1,000 per month, which is more than sufficient to pay the \$350.00 filing fee.

Accordingly, the application to proceed *in forma pauperis* is denied. The filing fee of \$350.00 must be paid no later than November 7, 2008. Failure to pay the filing fee by that date will result in dismissal of the above-entitled action without prejudice. Mr. Evans is hereby apprised of his responsibility to serve the complaint and any amendments, scheduling orders, and attachments

ORDER WITHDRAWING ORDER GRANTING APPLICATION TO PROCEED *IN FORMA PAUPERIS* AND DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS* — No. C-05-03319 RMW

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pursuant to Rule 4, Federal Rules of Civil Procedure. Mr. Evans has a continuing obligation to keep the court informed of his current address. Failure to do so will result in dismissal of this action.

DATED: 10/3/2008



RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been mailed to:**

2 **Plaintiff:**

3 Jamar James Evans
4 P. O. Box 25
4 Atwater, CA 95301

5 **Counsel for Defendants:**

6 (no appearance)

7

8 Counsel are responsible for distributing copies of this document to co-counsel that have not
9 registered for e-filing under the court's CM/ECF program.

9

10 **Dated:** 10/3/2008

TSF
Chambers of Judge Whyte

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