

1 E-FILED on 7/7/06

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

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SAN JOSE DIVISION

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12 JOHN A. PIERSON,

No. C-06-03980 RMW

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Plaintiff,

ORDER WITHDRAWING LEAVE TO
PROCEED *IN FORMA PAUPERIS*

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v.

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UNITED STATES; GEORGE W. BUSH,

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Defendants.

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Upon reconsideration, the order granting plaintiff John Pierson's application to proceed *in forma pauperis* is vacated. There are two requirements to proceed *in forma pauperis*: poverty and merit to the underlying suit. *See O'Loughlin v. Doe*, 920 F.2d 614, 618 (9th Cir. 1990). Pierson's suit appears to be based on the Articles of Confederation, which were superceded by the Constitution over two centuries ago. The court also finds Pierson's claim that California is infested with pirates fanciful.

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It is ordered that the filing fee of \$350 be paid no later than July 31, 2006. Failure to pay the filing fee by that date will result in dismissal of the above-captioned action without prejudice. The plaintiff is hereby apprised of his responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Federal Rule of Civil Procedure 4. Plaintiff has a

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ORDER WITHDRAWING LEAVE TO PROCEED IN FORMA PAUPERIS—No. C-06-03980 RMW
JAH

1 continuing obligation to keep the court informed of his current address; failure to do so may result
2 in dismissal of this action.

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5 DATED: 7/7/06



RONALD M. WHYTE
United States District Judge

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United States District Court
For the Northern District of California

1 A copy of this order was mailed on _____ to:

2 **Plaintiff (*pro se*):**

3 John R. Pierson
4 P.O. Box 162
5 Genoa, NV 89411

6 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.

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