

NOT FOR PUBLICATION
Filed 10/6/2006

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

D. LIN NGUYEN,

Plaintiff,

v.

THE LAW OFFICE OF PHUC DINH DO, PHUC
DIN DO,

Defendants.

Case Number C 06-05711 JF (PVT)

ORDER¹ DENYING WITHOUT
PREJUDICE APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

[re: docket no. 2]

Petitioner filed an application to proceed *in forma pauperis* on September 19, 2006.

Plaintiff filed a complaint in this action on the same date. This complaint consists of a series of unmarked exhibits preceded by this paragraph:

I, D. Lin Nguyen, declare that I personally know the facts recited below and if called as a witness would and could competently testify thereto. I have the Chapter 13 Case # 96-54287JRG. Why didn't you follow the contract that we both signed to help me? Why did I hire you because the Law Office of David A. Boone opened a second Chapter 13 that made me lose my contractor license of Western Roofing Company.

The complaint provides no explanation of the attached documents.

¹ This disposition is not designated for publication and may not be cited.

1 Pursuant to 28 U.S.C. § 1915, a district court may authorize the commencement of a civil
2 action *in forma pauperis* if the court is satisfied that the would-be plaintiff cannot pay the filing
3 fees necessary to pursue the action. 28 U.S.C. § 1915(a)(1). The Court may deny *in forma*
4 *pauperis* status, however, if it appears from the face of the proposed complaint that the action is
5 frivolous or without merit. *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990); *Tripati v. First*
6 *National Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987). The Court will DENY without
7 prejudice his application to proceed *in forma pauperis* on the ground that his complaint as
8 presently framed, on its face, fails to state a cognizable claim. *See Sargeant v. Dixon*, 130 F.3d
9 1067, 1069 (D.C. Cir. 1997).

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14 DATED: October 6, 2006

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17 JEREMY FOGEL
United States District Judge

1 Copies of Order mailed on October 6, 2006 to:

2 D. Lin Nguyen
2174 Diana Place
3 San Jose, CA 95116

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