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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LAWRENCE "LARRY" HILLARD,

Plaintiff,

vs.

CHASE BANK, et al.,

Defendants.

CASE NO. 10cv1246 DMS (JMA)

**ORDER DISMISSING
COMPLAINT WITHOUT
PREJUDICE PURSUANT TO 28
U.S.C. § 1915(e)(2)(B)(I)**

Plaintiff Lawrence "Larry" Hillard is currently incarcerated in a Mexican prison, and has filed the present Complaint with the help of his friend, James Connelly. Mr. Connelly has also filed an Application to Proceed *In Forma Pauperis* ("IFP") on behalf of Mr. Hillard.

Motion to Proceed IFP¹

All parties instituting any civil action, suit or proceeding in a district court of the United States, except an application for writ of habeas corpus, must pay a filing fee of \$350. See 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed IFP pursuant to 28 U.S.C. § 1915(a). See *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). Plaintiff here has not satisfied the requirements of Section 1915(a) or (b),

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¹ The Court notes it is unclear whether Mr. Hillard is a "prisoner" under 28 U.S.C. § 1915(h). However, for purposes of the present Order, the Court will assume that he falls within that definition.

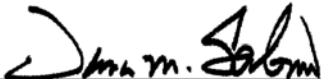
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therefore his application to proceed IFP is DENIED and the Complaint is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED: June 23, 2010



HON. DANA M. SABRAW
United States District Judge