

1 The Plaintiff's motion to proceed *in forma pauperis* lacks merit because:


- 2 • Plaintiff has noted receiving income from self-employment but has failed to describe the
3 amount received.
- 4 • Plaintiff notes supporting spouse with \$1,500 "for rent and food," but does not indicate
5 the source of such funding.
- 6 • Plaintiff's debts of "IRS, taxes currently being filed" lack particularity, definiteness and
7 certainty.
- 8 • Plaintiff has failed to note any housing, transportation, utilities, or loan payments, or other
9 regular monthly expenses.

10 It is under the Court's discretion to grant or deny permission to proceed *in forma pauperis* based
11 on the Plaintiff's claim. 28 U.S.C. § 1915(e)(2). Without further evidence, the Court lacks specific facts
12 to find that the Plaintiff is not able to pay the filing fee under 28 U.S.C. § 1914(a). It is advised that the
13 Plaintiff submit a current revision of the short form "Application To Proceed In District Court Without
14 Prepaying Fees or Costs" available on the United States Courts website.¹

15 In light of this information, IT IS HEREBY ORDERED that the Plaintiff's Motion to Proceed *in*
16 *forma pauperis* is **DENIED** and the Complaint is **DISMISSED** without prejudice. Pursuant to this
17 Order, however, Plaintiff is granted 30 days leave to pay the \$350 filing fee required to maintain this
18 action pursuant to 28 U.S.C. § 1914, or to submit additional documentation regarding the Plaintiff's
19 economic status. **IF PLAINTIFF CHOOSES TO FILE ADDITIONAL INFORMATION RE-**
20 **GARDING HIS POVERTY, HE MUST ATTACH A COPY OF THIS ORDER.**

21 **IT IS SO ORDERED.**

22
23 DATED: September 29, 2011

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25 _____
26 Hon. Anthony J. Battaglia
27 U.S. District Judge
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¹<http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO240.pdf>