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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Mel M. Marin,)	Civil No. 11-cv-01610- AJB (JMA)
)	
Plaintiff,)	
)	ORDER GRANTING MOTION
v.)	TO EXTEND TIME TO AMEND
)	COMPLAINT.
ESCONDIDO CARE, et al,)	
)	
Defendants.)	[Doc. No. 23]
)	
_____)	

17 On September 26, 2012, Plaintiff filed a motion for an extension of time to amend his Second
18 Amended Complaint, (“SAC”). (Doc. No. 23.) Plaintiff also moved to proceed in forma pauperis
19 (“IFP”) pursuant to 28 U.S.C. § 1915(a) and to have his IFP declaration sealed. (*Id.*) For the following
20 reasons the Court **GRANTS** Plaintiff’s motion for an extension and **DENIES** *without prejudice*
21 Plaintiff’s motion to proceed IFP. Plaintiff has thirty (30) days from the date of this Order, to file his
22 amended Complaint and pay the appropriate filing fee or file his amended complaint with the additional
23 information described below. The Plaintiff is warned that no further extensions will be granted absent
24 extreme good cause.


25 Whether an order sealing an IFP application should issue, is an exercise of the court’s inherent
26 supervisory power. *Valley Broadcasting Co. v. United States Dist. Court*, 798 F.2d 1289, 1294 (9th Cir.
27 1986). The Supreme Court has explained that “the decision as to access [to judicial records] is one best
28 left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and

1 circumstances of the particular case.” *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 599
2 (1978); *United States v. Amodeo*, 71 F.3d 1044, 1053 (2d Cir. 1995) (holding that district court abused
3 its discretion by unsealing record). An IFP motion is different than other motions in that it involves
4 private and financial information and is strictly between the court and the party requesting IFP status
5 and the information provided regarding the value of the home owned by the Plaintiff, is public record.
6 However, Plaintiff has not provided sufficient information to the Court to support his motion for IFP
7 status. Plaintiff is ordered to submit a complete IFP application to chambers and the Court will make a
8 determination as to whether it should be sealed. Because Plaintiff has not met the standard for IFP
9 status, his motion is **DENIED without prejudice**.

10 For the aforementioned reasons, the Court **GRANTS** Plaintiff’s motion for a thirty (30) day
11 extension to file an amended Complaint, and **DENIES without prejudice** Plaintiff’s motion for IFP
12 status and to seal his IFP declaration.

13 **IT IS SO ORDERED.**

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15 DATED: October 15, 2012

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18 Hon. Anthony J. Battaglia
19 U.S. District Judge
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