Cristo v. The Charles Schwab Corporation et al Doc. 3

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

CONSTANTINE GUS CRISTO,

Plaintiff,

v.

THE CHARLES SCHWAB CORPORATION; SCHWAB HOLDINGS, INC; CHARLES SCHWAB & CO., INC.; CHARLES SCHWAB BANK; and CHARLES SCHWAB INVESTMENT MANAGEMENT, INC.,

Defendants.

CASE NO. 17cv1843-GPC(MDD)

**ORDER DENYING PLAINTIFF'S APPLICATION TO PROCEED *IN FORMA PAUPERIS***

[Dkt. No. 2.]

On September 12, 2017, Plaintiff Constantine Gus Cristo, proceeding *pro se*, filed a complaint along with an application to proceed in fauma pauperis. (Dkt. Nos. 1, 2.)

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 $400. See 28 U.S.C. § 1914(a).[1] An action may proceed despite a plaintiff's failure to prepay the entire fee only if he is granted leave to proceed IFP pursuant to § 1915(a).

[1] In addition to the $350 statutory fee, civil litigants must pay an additional administrative fee of $50. See 28 U.S.C. § 1914(a) (Judicial Conference Schedule of Fees, District Court Misc. Fee Schedule, § 14 (eff. Dec. 1, 2014)). The additional $50 administrative fee does not apply to persons granted leave to proceed IFP. Id.



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See Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007); Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999). The plaintiff must submit an affidavit demonstrating his inability to pay the filing fee, and the affidavit must include a complete statement of the plaintiff's assets. 28 U.S.C. § 1915(a)(1).

Here, Plaintiff submitted a declaration reporting that he currently employed but does not indicate his gross monthly pay. (Dkt. No. 2 at 2.) He also reports retirement income of $853.90 and has $500 in his Charles Schwab account. (Id.) Plaintiff further claims he has no real property, vehicles or other assets. (Id. at 2-3.) Since it appears that Plaintiff is currently employed and does not provide his monthly income, the Court is unable to determine whether Plaintiff meets the § 1915(a) requirements to proceed IFP. Therefore, the Court DENIES Plaintiff's motion for leave to proceed IFP.

IT IS SO ORDERED.

DATED: September 25, 2017

HON. GONZALO P. CURIEL
United States District Judge