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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 DWIGHT BANKS,

12 Plaintiff,

13 v.

14 MESDAQ INC dba GRAN
15 HAVANA CIGAR & HOOKAH
16 LOUNGE; MEDINA FAMILY
17 TRUST 90-25-2008; and DOES 1-
10, inclusive,

18 Defendants.

Case No.: 18cv724-WQH-JMA

ORDER

19 HAYES, Judge:

20 On April 12, 2018, Plaintiff Dwight Banks initiated this action by filing a complaint
21 against Defendants Mesdaq Inc. doing business as Gran Havana Cigar & Hookah Lounge
22 and the Medina Family Trust 09-25-2008. Plaintiff alleges that he is a disabled individual
23 and brings a number of causes of action under state and federal law arising from
24 Defendants' alleged failure to provide full and equal access to their facilities to individuals
25 with disabilities. (ECF No. 1). On April 12, 2018, a motion to proceed in forma pauperis
26 was also filed. (ECF No. 3).

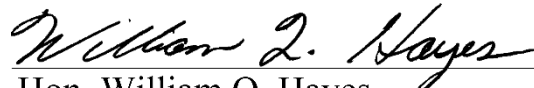
27 All parties instituting a civil action, suit, or proceeding in a district court of the
28 United States, other than a petition for writ of habeas corpus, must pay a filing fee of

1 \$400.00. *See* 28 U.S.C. § 1914(a); CivLR 4.5. An action may proceed despite a party's
2 failure to pay only if the party is granted leave to proceed in forma pauperis pursuant to 28
3 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). "To
4 proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114, 116
5 (9th Cir. 1965).

6 While the docket reflects that the motion to proceed in forma pauperis was filed by
7 Plaintiff Dwight Banks, the motion to proceed in forma pauperis lists "Jerry Jackson" as
8 the Plaintiff and the affidavit in support of the application is also signed by "Jerry Jackson."
9 (ECF No. 3). Dwight Banks is the only named plaintiff included in the complaint in this
10 case. The Court has not been provided with sufficient financial information as to Dwight
11 Banks to determine if he qualifies to proceed in forma pauperis in this civil action.

12 IT IS HEREBY ORDERED that the motion for leave to proceed in forma pauperis
13 (ECF No. 3) is denied without prejudice. Plaintiff shall, within thirty (30) days of the date
14 this Order is filed, either (1) pay the filing fee, or (2) submit a motion to proceed in forma
15 pauperis reflecting the financial information of the named plaintiff in this case. If Plaintiff
16 fails to submit payment or a motion to proceed in forma pauperis within thirty days of the
17 date of this Order, the Court will dismiss the case without prejudice.

18 Dated: April 17, 2018

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20 Hon. William Q. Hayes
21 United States District Court
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