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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PAUL LOUIS BELLUOMINI,

Plaintiff,

v.

STATE OF CALIFORNIA, et. al.

Defendants.

Case No. 3:17-cv-00415-MMD-WGC

**ORDER**

Before the court is Plaintiff's application to proceed in forma pauperis (IFP). (ECF No.

1.)

A person may be granted permission to proceed IFP if the person "submits an affidavit that includes a statement of all assets such [person] possesses [and] that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1); *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc) (stating that 28 U.S.C. § 1915 applies to all actions filed IFP, not just prisoner actions).

In addition, the Local Rules of Practice for the District of Nevada provide: "Any person who is unable to prepay the fees in a civil case may apply to the court for authority to proceed [IFP]. The application must be made on the form provided by the court and must include a financial affidavit disclosing the applicant's income, assets, expenses, and liabilities." LSR 1-1.

"[T]he supporting affidavits [must] state the facts as to [the] affiant's poverty with some particularity, definiteness and certainty." *U.S. v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (quoting *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)). A litigant need not "be absolutely destitute to enjoy the benefits of the statute." *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

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Plaintiff does not state in his application what his monthly income is, but indicates that he has \$22,500 in cash or a checking or savings account. (ECF No. 1 at 2.) His expenses are limited to \$400 a month for rent, and he has a debt of \$391 for car repairs. (*Id.*) The court cannot conclude based on this application that Plaintiff is unable to pay the filing fee. Therefore, his application to proceed in forma pauperis (ECF No. 1) is **DENIED**. Plaintiff has **THIRTY DAYS** from the date of this Order to pay the filing fee, or it will be recommended that his action be dismissed.

**IT IS SO ORDERED.**

DATED: August 30, 2017.

  
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WILLIAM G. COBB  
UNITED STATES MAGISTRATE JUDGE