

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

RAMIRO CARDENAS,

Plaintiff,

v.

**CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINT**

Defendant.

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2:06-MC-082

ORDER

Pending is Plaintiff’s application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. After due consideration, the undersigned finds the motion is without merit and should be denied.


Plaintiff’s application consists of an affidavit and a six-page hand-written attachment that is, for the most part, unintelligible. In his affidavit, Plaintiff indicates that he is unemployed and the only income he receives is in the form of social security disability payments. He does not, however, state the amount of social security disability he has received and what he expects he will continue to receive. Plaintiff further indicates that he has either cash or a checking or savings account with a balance of \$20.00 and that he does not own any real estate, stocks, bonds securities, other financial instruments, automobiles or any other things of value.

Pursuant to 28 U.S.C. § 1915(a)(1), to qualify for *in forma pauperis* status, a non-prisoner applicant like Plaintiff must submit an affidavit which includes: (1) a statement of all the assets he possesses; (2) a statement that he is unable to pay the requisite filing fee or provide security therefor; (3) a statement of the nature of the action; and (4) a statement that he believes that he is entitled to the redress he seeks. The affidavit Plaintiff submitted to this Court does not meet these

requirements. Plaintiff not only failed to disclose to the Court the amount of income he receives in social security disability, but he also failed to disclose the expenses he incurs that would prevent him from using his social security disability to pay the costs of the instant litigation. Absent a more particularized statement of his financial situation, the Court is simply unable to determine whether circumstances in the instant action justify allowing Plaintiff to proceed *in forma pauperis*.

Accordingly, Plaintiff's application to proceed *in forma pauperis* is hereby **DENIED**.

It is so **ORDERED** this 12th day of December, 2006.



DENNIS G. GREEN
UNITED STATES MAGISTRATE JUDGE