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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NEW SENSATIONS, INC.

Plaintiff,

MISC 11-0089 GEB CKD PS

vs.

DOES 1-1474,

Defendants.

CURRY CUSTOM COMPUTERS,

Movant.

ORDER

_____/

Moving party Curry Custom Computers has moved to quash a subpoena. The motion to quash references a subpoena that allegedly issued from the United States District Court, District of New Jersey. The motion is procedurally defective in that a copy of the subpoena at issue was not submitted in connection with the motion. Moreover, a review of the docket for the District of New Jersey indicates that the civil action docketed under the number referenced in the motion to quash is a social security action. In addition, queries of the District of New Jersey docket yield no results for searches run on the name of plaintiff's counsel or the names of the parties. For these reasons, the motion to quash will be denied.

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1 Pursuant to federal statute, a filing fee of \$46.00 is required to commence a
2 miscellaneous action in federal district court. 28 U.S.C. § 1914. The court may authorize the
3 commencement of an action “without prepayment of fees and costs or security therefor, by a
4 person who makes affidavit that he is unable to pay such costs or give security therefor.” 28
5 U.S.C. § 1915(a). The amount of movant’s earnings shows that movant is able to pay the
6 minimal filing fee for a miscellaneous action. Thus, movant has made an inadequate showing of
7 indigency. See Alexander v. Carson Adult High Sch., 9 F.3d 1448 (9th Cir. 1993); California
8 Men’s Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991); Stehouwer v. Hennessey, 841 F.
9 Supp. 316, (N.D. Cal. 1994). However, because the court will deny the motion to quash,
10 payment of the fee will not be required.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The motion to quash (dkt. no. 1) is denied.
- 13 2. The motion to proceed in forma pauperis (dkt. no. 2) is denied.
- 14 3. The Clerk of Court is directed to serve a copy of this order on counsel as listed
15 on movant’s proof of service: Ira Siegel, 433 N. Camden Drive, Suite 970, Beverly Hills, CA,
16 90210.
- 17 4. The Clerk of Court is directed to close this miscellaneous action.

18 Dated: November 16, 2011

19 
20 CAROLYN K. DELANEY
21 UNITED STATES MAGISTRATE JUDGE

22 4
23 sensations.qua