

FEB 25 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DALE FRANK MAISANO,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>TRANS CAR INC.,</p> <p>Defendant - Appellee.</p>
--

No. 07-56860

D.C. No. CV-07-04332-AHS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Alicemarie H. Stotler, District Judge, Presiding

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Dale Frank Maisano, an Arizona state prisoner, appeals pro se from the district court’s order denying his application to proceed in forma pauperis. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990), and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The district court did not abuse its discretion by denying Maisano's application because he failed to submit the required six-month prisoner trust fund account statement. *See* 28 U.S.C. § 1915(a)(2); *Page v. Torrey*, 201 F.3d 1136, 1139 (9th Cir. 2000) (“[P]risoner-plaintiffs seeking to proceed in forma pauperis [must] submit a certified copy of their prisoner trust fund account statement for the previous six months.”).

AFFIRMED.