

OCT 17 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: PETER THOMAS McCARTHY,

Debtor,

PETER THOMAS McCARTHY,

Appellant,

v.

AMY L. GOLDMAN, Chapter 7 Trustee,

Appellee,

and

NATURE'S WING FIN DESIGN, LLC,

Appellee-Intervenor.

No. 10-56742

D.C. No. 2:10-cv-06347-RGK

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
R. Gary Klausner, District Judge, Presiding

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

Submitted October 9, 2012\*\*

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Peter Thomas McCarthy 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, *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987), and we affirm.

The district court did not abuse its discretion by denying McCarthy's request to proceed in forma pauperis in light of the monthly income and assets McCarthy reported in his financial affidavit. *See Rowland v. Cal. Men's Colony*, 506 U.S. 194, 203 (1993) (an individual is indigent under 28 U.S.C. § 1915 if he is unable to pay fees and still provide the necessities of life for himself and any dependents).

McCarthy's contention that the district court failed to apply the correct legal standard is unpersuasive.

**AFFIRMED.**

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