

AUG 03 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RODNEY L. PLANT,

Plaintiff - Appellant,

v.

KRISTY SKEEM, Mrs.; et al.,

Defendants - Appellees.

No. 14-36113

D.C. No. 1:14-cv-00154-BLW

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, Chief Judge, Presiding

Submitted July 26, 2016**

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges.

Rodney L. Plant, a former Idaho state prisoner, appeals pro se from the district court's order denying his application for leave to proceed in forma pauperis ("IFP") in his 42 U.S.C. § 1983 action alleging federal and state law claims arising out of the alleged denial of his right to practice his religion. We have jurisdiction

* 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).

under 28 U.S.C. § 1291. We review for an abuse of discretion. *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). We affirm.

The district court did not abuse its discretion by denying Plant’s IFP application because Plant did not demonstrate that he was unable to pay the court’s filing fee due to poverty or indigency. *See id.* (“An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life.”); *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (a § 1915 affidavit must state facts “with some particularity, definiteness and certainty” as to indigency (citation and internal quotation marks omitted)).

AFFIRMED.