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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DONALD CHARLES BLAIR, et al.,)	Case No.: 1:15-cv-01451 - LJO - JLT
Plaintiffs,)	FINDINGS AND RECOMMENDATIONS
v.)	DENYING PLAINTIFFS’ MOTION TO PROCEED
)	IN FORMA PAUPERIS
OCWEN LOAN SERVICING, LLC, et al.,)	(Doc. 2)
Defendants.)	
)	
)	

Plaintiffs Donald Charles Blair and Theresa Blair seek to proceed *pro se* and *in forma pauperis* in this action. (Doc. 2) Pursuant to federal statute, a filing fee is required to commence a civil action in federal district court. 28 U.S.C. § 1914(a). However, the Court may authorize an action to proceed without prepayment of fees “by a person who submits an affidavit that includes a statement of all assets such person . . . possesses [and] that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1).

To satisfy the requirements of 28 U.S.C. §1915, applicants must demonstrate that because of poverty, they cannot meet court costs and still provide themselves, and any dependents, with the necessities of life. *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir. 2004) (affidavit is sufficient if it represents that the litigant is “unable to pay for the court fees and costs, and to provide necessities for himself and his dependents”) (citing *Adkins v. E. I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948)).

1 Plaintiffs report they are employed and have a joint monthly income of \$16,500.00. (Doc. 2 at
2 2) Specifically, Mr. Blair reports his monthly income as financial advisor is \$10,000.00, and Mrs.
3 Blair reports her monthly income is \$6,500.00 as an employee of Bakersfield City School District.
4 (*Id.*) Plaintiffs report they have debts, including a mortgage, for which they make monthly payments
5 of \$6,938.00. (*Id.* at 3-4) They do not have any dependents. (*Id.* at 2)

6 The Court finds Plaintiffs fail to demonstrate they are unable to pay the filing fee due to
7 poverty. Requiring Plaintiffs to pay the court filing fees would not impair their ability to obtain the
8 necessities of life. *See Adkins*, 335 U.S. at 339. Accordingly, IT IS HEREBY RECOMMENDED:

- 9 1. Plaintiffs' motion to proceed *in forma pauperis* be **DENIED**; and
- 10 2. Plaintiffs be directed to pay the filing fee within ten days.

11 These Findings and Recommendations are submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local
13 Rules of Practice for the United States District Court, Eastern District of California. Within 14 days
14 after being served with these Findings and Recommendations, Plaintiffs may file written objections
15 with the Court. Such a document should be captioned "Objections to Magistrate Judge's Findings and
16 Recommendations." Plaintiffs are advised that failure to file objections within the specified time may
17 waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991);
18 *Wilkerson v. Wheeler*, 772 F.3d 834, 834 (9th Cir. 2014).

19
20 IT IS SO ORDERED.

21 Dated: October 30, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE