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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 BRENDA DARLENE WILSON,

10 Plaintiff,

11 v.

12 COMMISSIONER OF SOCIAL SECURITY,

13 Defendant.
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Case No. 1:14-cv-01392-SAB

ORDER DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS

(ECF No. 7)

15 On September 4, 2014, Plaintiff Leigh Ann Grant (“Plaintiff”) filed the complaint in this
16 action seeking judicial review of the final decision of Defendant Commissioner of Social
17 Security (“Defendant”) denying Plaintiff’s application for benefits under the Social Security Act.
18 (ECF No. 1.) Plaintiff filed an application to proceed in forma pauperis without prepayment of
19 the filing fee on the same day. (ECF No. 2.) The Court denied Plaintiff’s application without
20 prejudice on September 8, 2014, because the application provided by Plaintiff did not contain
21 sufficient information for the Court to determine if she was entitled to proceed in forma pauperis.
22 (ECF No. 6.) At the direction of the Court, on September 25, 2014, Plaintiff filed a long form
23 application to proceed in forma pauperis. (ECF No. 7.)

24 In order to proceed in court without prepayment of the filing fee, Plaintiff must submit an
25 affidavit demonstrating that she “is unable to pay such fees or give security therefor.” 28 U.S.C.
26 § 1915(a)(1). In assessing whether a certain income level meets the poverty threshold under
27 Section 1915(a)(1), courts look to the federal poverty guidelines developed each year by the
28 Department of Health and Human Services. See, e.g., Lint v. City of Boise, No. CV09-72-S-

1 E.J.L., 2009 WL 1149442, at *2 (D. Idaho Apr. 28, 2009) (and cases cited therein).

2 Plaintiff's application includes information for herself and her spouse and states that no
3 other person is dependent upon her for support. The 2014 Poverty Guidelines for the 48
4 contiguous states for a household of two is \$15,730.00. 2014 Poverty Guidelines,
5 <http://aspe.hhs.gov/poverty/14poverty.cfm> (last visited August 12, 2014).

6 Plaintiff states that her husband receives \$1,000.00 per month in Social Security benefits.
7 In her initial application, Plaintiff stated that she receives \$400.00 per month in food stamps.
8 The current application does not include food stamps under public assistance as an income
9 source, but Plaintiff does indicate that she spends \$359.00 per month in food and food stamps is
10 noted next to the entry. Crediting the \$359.00 in food stamps as the amount received monthly,
11 the annual income received by Plaintiff's household is \$16,300.00.

12 Plaintiff has identified \$1,180.50 per month in monthly expenses. This amounts to
13 \$14,166.00 in annual expenses. Plaintiff's application to proceed in forma pauperis
14 demonstrates that Plaintiff is able to pay the \$400.00 filing fee in this action as her reported
15 annual income is significantly higher than her reported annual expenses. Moreover, Plaintiff's
16 income is higher than the 2014 Poverty Guidelines.

17 Based upon the foregoing, the Court finds that Plaintiff is not eligible to proceed in forma
18 pauperis under 28 U.S.C. § 1915. Accordingly, it is HEREBY ORDERED that Plaintiff's
19 application to proceed in forma pauperis is DENIED and Plaintiff shall pay the \$400.00 filing fee
20 within thirty (30) days. If the filing fee is not paid within thirty (30) days, this action will be
21 dismissed.

22 IT IS SO ORDERED.

23 Dated: September 27, 2014

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25 UNITED STATES MAGISTRATE JUDGE
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