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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATHEW STAFFORD,
Plaintiff,
v.
JOHN WASH,
Defendant.

Case No. 1:14-cv-01791---SAB
ORDER DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS
(ECF No. 3)

On November 14, 2014, Plaintiff Mathew Stafford (“Plaintiff”) filed the complaint in this action. (ECF No. 1.) Plaintiff filed an application to proceed in forma pauperis without prepayment of the filing fee on the same day. (ECF No. 3.)

In order to proceed in court without prepayment of the filing fee, Plaintiff must submit an affidavit demonstrating that he “is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). In assessing whether a certain income level meets the poverty threshold under Section 1915(a)(1), courts look to the federal poverty guidelines developed each year by the Department of Health and Human Services. See, e.g., Lint v. City of Boise, No. CV09-72-S-EJL, 2009 WL 1149442, at *2 (D. Idaho Apr. 28, 2009) (and cases cited therein).

Plaintiff’s application states that there are no other persons who depend upon Plaintiff for support. The 2014 Poverty Guidelines for the 48 contiguous states for a household of one is \$11,670. 2014 Poverty Guidelines, <http://aspe.hhs.gov/poverty/14poverty.cfm> (last visited

1 August 12, 2014).

2 Plaintiff states that he earns \$1,000 per month from self-employment. Accordingly,
3 Plaintiff receives \$12,000.00 in annual income. Plaintiff also owns a house worth \$100,000.

4 Plaintiff's application to proceed in forma pauperis demonstrates that Plaintiff is able to
5 pay the \$400.00 filing fee in this action as his reported annual income is higher than the federal
6 poverty level and he owns a house.

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

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13 IT IS SO ORDERED.

14 Dated: November 18, 2014


UNITED STATES MAGISTRATE JUDGE

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