

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 RICHARD P. SORIANO, et al.,

12 Plaintiffs,

13 v.

14 FRESNO UNIFIED SCHOOL DISTRICT, et
15 al.,

16 Defendants.

Case No. 1:14-cv-02023---SAB

ORDER DENYING APPLICATIONS TO
PROCEED IN FORMA PAUPERIS

(ECF No. 2, 3)

17 On December 19, 2014, Plaintiffs Richard P. Soriano and Frank R. Ortiz (“Plaintiffs”)
18 filed the complaint in this action. (ECF No. 1.) Plaintiffs also filed two separate applications to
19 proceed in forma pauperis without prepayment of the filing fee on the same day. (ECF No. 2.)

20 In order to proceed in court without prepayment of the filing fee, Plaintiff must submit an
21 affidavit demonstrating that he “is unable to pay such fees or give security therefor.” 28 U.S.C.
22 § 1915(a)(1). In assessing whether a certain income level meets the poverty threshold under
23 Section 1915(a)(1), courts look to the federal poverty guidelines developed each year by the
24 Department of Health and Human Services. See, e.g., Lint v. City of Boise, No. CV09-72-S-
25 E.J.L., 2009 WL 1149442, at *2 (D. Idaho Apr. 28, 2009) (and cases cited therein).

26 Plaintiffs’ applications state that no one is dependent upon either Plaintiff for support.
27 The 2014 Poverty Guidelines for the 48 contiguous states for a household of one is \$11,670.00.
28

1 2014 Poverty Guidelines, <http://aspe.hhs.gov/poverty/14poverty.cfm> (last visited August 12,
2 2014).

3 Plaintiff Richard P. Soriano stated in his application that his take-home pay is \$2,000.00
4 per month, which amounts to approximately \$24,000.00 per year. Plaintiff Frank R. Ortiz stated
5 in his application that his take-home pay is \$2,040.00 per month, which amounts to
6 approximately \$24,480.00 per year. Both income levels are substantially higher than the poverty
7 level. Neither Plaintiff identified expenses that would prevent Plaintiffs from paying the filing
8 fee.

9 Plaintiffs' applications to proceed in forma pauperis demonstrates that Plaintiffs are able
10 to pay the \$400.00 filing fee in this action as their reported annual income is significantly higher
11 than their reported annual expenses. Moreover, Plaintiffs' incomes are substantially higher than
12 the 2014 Poverty Guidelines.

13 Based upon the foregoing, the Court finds that Plaintiffs are not eligible to proceed in
14 forma pauperis under 28 U.S.C. § 1915. Accordingly, it is HEREBY ORDERED that Plaintiffs'
15 applications to proceed in forma pauperis are DENIED and Plaintiffs shall pay the \$400.00 filing
16 fees within thirty (30) days. If the filing fee is not paid within thirty (30) days, this action will be
17 dismissed.

18 IT IS SO ORDERED.

19
20 Dated: December 24, 2014


UNITED STATES MAGISTRATE JUDGE