

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

11 MAURICE RAYMOND BOUDREAU,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL SECURITY,

15 Defendant.

Case No. 1:15-cv-00088-SAB

ORDER DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS

(ECF No. 3)

16
17 On January 19, 2015, Plaintiff Maurice Raymond Boudreau (“Plaintiff”) filed the
18 complaint in this action seeking judicial review of the final decision of Defendant Commissioner
19 of Social Security (“Defendant”) denying Plaintiff’s application for benefits under the Social
20 Security Act. (ECF No. 1.) Plaintiff filed an application to proceed in forma pauperis without
21 prepayment of the filing fee on the same day. (ECF No. 3.)

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

28 ///

1 Plaintiff's application states that no other person depends upon Plaintiff for support. The
2 2015 Poverty Guidelines for the 48 contiguous states for a household of one is \$11,770.00. 2015
3 Poverty Guidelines, <http://aspe.hhs.gov/poverty/15poverty.cfm> (last visited January 21, 2015).

4 Plaintiff states that he receives \$1,004.00 per month from a "Veteran Pension." This
5 amounts to \$12,048.00 per year. Plaintiff also indicated that he owns a one-third interest in a
6 piece of property located in Modesto, California, though Plaintiff also notes that the property is
7 in need of repairs. Notably, the in forma pauperis application asks Plaintiff to state the value of
8 the property and Plaintiff declined to answer the question, other than providing the vague claim
9 that the property's value is affected by its need for repairs.

10 Plaintiff's application to proceed in forma pauperis demonstrates that Plaintiff is able to
11 pay the \$400.00 filing fee in this action as his reported annual income is higher than the 2015
12 Poverty Guidelines.

13 Based upon the foregoing, the Court finds that Plaintiff is not eligible to proceed in forma
14 pauperis under 28 U.S.C. § 1915. Accordingly, it is HEREBY ORDERED that Plaintiff's
15 application to proceed in forma pauperis is DENIED and Plaintiff shall pay the \$400.00 filing fee
16 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 Dated: January 21, 2015

20 
21 _____
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28