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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID TOWNSEL,

 Petitioner,

 v.

MADERA COUNTY DISTRICT
ATTORNEY’S OFFICE,

 Respondent.

Case No. 1:15-cv-01128-GSA-HC

ORDER GRANTING PETITIONER’S
MOTION TO PROCEED *IN FORMA*
PAUPERIS

(ECF No. 3)

Petitioner, presently serving a term of probation, is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 21, 2015, Petitioner filed the instant petition in this Court. (ECF No. 1). Petitioner also filed an application to proceed *in forma pauperis* on July 21, 2015. (ECF No. 3).

Title 28, United States Code, Section 1915 governs the determination of applications to proceed *in forma pauperis*. In order to proceed in court without prepayment of the filing fee, Petitioner 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 Lint v. City of Boise, Civil Action No. 09-72-S-EJL, 2009 WL 1149442, at *2 (D. Idaho Apr. 28, 2009);

1 Johnson v. Leohane, Civil Action No. 08-00432-ACK-KSC, 2008 WL 4527065, at *1 (D.
2 Hawai'i Oct. 9, 2008); Johnson v. Spellings, 579 F.Supp.2d 188, 191 (D.D.C. 2008).

3 The Court has evaluated whether Petitioner meets the standard to proceed *in forma*
4 *pauperis* according to Title 28, United States Code, Section 1915. Based upon the information in
5 his application to proceed *in forma pauperis*, the Court finds that Petitioner is indigent and
6 unable to pay the filing fee.

7 Accordingly, Petitioner's application to proceed *in forma pauperis* is GRANTED.

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10 IT IS SO ORDERED.

11 Dated: July 22, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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