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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAYSHON THOMAS,

Petitioner,

v.

J. SOLDA, et al.,

Respondents.

Case No. 1:16-cv-00117- EPG-HC

ORDER GRANTING PETITIONER'S
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS

(ECF No. 2)

Petitioner Rayshon Thomas is a Madera County jail inmate proceeding *pro se* with a petition for writ of mandamus pursuant to 28 U.S.C. § 1651. On January 11, 2016, Petitioner filed the instant petition in the Sacramento Division of the United States District Court for the Eastern District of California. (ECF No. 1). On January 25, 2016, the Sacramento Division transferred the action to this Court. (ECF No. 4).

Petitioner has filed an application to proceed *in forma pauperis*. (ECF No. 2). 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). Although there is no set formula to determine whether a certain income level meets the poverty threshold under § 1915(a)(1), courts have looked 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. Haw.
2 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 28 U.S.C. § 1915. Based upon the information in his application to
5 proceed *in forma pauperis*, the Court finds that Petitioner is indigent and unable to pay the filing
6 fee. Accordingly, Petitioner’s application to proceed *in forma pauperis* is GRANTED.

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8 IT IS SO ORDERED.

9 Dated: January 27, 2016

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

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