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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10	DWA WHE WILCON	
11	DWAYNE WILSON,) Case No.: 1:16-cv-01012 - JLT
12	Plaintiff,	ORDER TO PLAINTIFF TO SHOW CAUSE WHYHIS MOTION TO PROCEED IN FORMA
13) PAUPERIS SHOULD NOT BE DENIED
14	CAROLYN W. COLVIN, Acting Commissioner of Social Security,	/))
15	Defendant.)
16 17	Disintiff soaks to proceed in forms pour)
17	Plaintiff seeks to proceed in forma pauperis with this action for judicial review of the decision	
10	to deny his application for Social Security benefits. (Docs. 1, 2) The Court may authorize the commencement of an action without prepayment of fees "by a	
20	person who submits an affidavit that includes a statement of all assets such person possesses [and]	
21	that the person is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a). Thus, an	
22	action may proceed despite a failure to prepay the filing fee only if leave to proceed in forma pauperis	
23	is granted by the Court. See Rodriguez v. Cook, 169 F.3d 1176, 1177, 1178 (9th Cir. 1999).	
24		nission to proceed in forma pauperis is itself a matter of
25	privilege and not a right; denial of an in forma pauperis status does not violate the applicant's right to	
26	due process." <i>Franklin v. Murphy</i> , 745 F.2d 1221, 1231 (9th Cir. 1984) (citing <i>Weller v. Dickson</i> , 314	
27	F.2d 598, 600 (9th Cir. 1963)). In addition, the Court has broad discretion to grant or deny a motion to	
28	proceed IFP. O'Loughlin v. Doe, 920 F.2d 614	, 616 (9th Cir. 1990); Weller, 314 F.2d at 600-01. In
27	F.2d 598, 600 (9th Cir. 1963)). In addition, the	Court has broad discretion to grant or deny a motion to

1	making a determination, the Court "must be careful to avoid construing the statute so narrowly that a		
2	litigant is presented with a Hobson's choice between eschewing a potentially meritorious claim or		
3	foregoing life's plain necessities." <i>Temple v. Ellerthorpe</i> , 586 F.Supp. 848, 850 (D.R.I. 1984).		
4	Plaintiff asserts he is currently employed and has a monthly income of \$3,807.86. (Doc. 2 at		
5	2) Plaintiff reports monthly expenses of \$3,664.00. (<i>Id.</i> at 5) Notably, however, this total includes		
6	\$1,100 per month for recreation, entertainment, clothing, and laundry. (<i>See id.</i> at 4) Given the		
7	information provided regarding Plaintiff's income and expenses —particularly the amounts identified		
8	for "[r]ecreation, entertainment, newspapers, magazines," and the purchase of new clothing each		
9	month—it is not clear that Plaintiff is unable to provide himself with life's necessisities while still		
10	paying the Court costs.		
11	ORDER		
12	As noted above, Plaintiff has not demonstrated an inability to pay the Court fees as required by		
13	28 U.S.C. § 1915(a). Thus, the Court ORDERS :		
14	1. Within 21 days, Plaintiff SHALL show cause in writing why his motion to proceed in		
15	forma pauperis should not be denied; and		
16	2. <u>Plaintiff is advised that his failure to respond timely to this order will result in a</u>		
17	recommendation that the motion to proceed in forma pauperis be denied.		
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19	IT IS SO ORDERED.		
20	Dated: July 16, 2016 /s/ Jennifer L. Thurston		
21	UNITED STATES MAGISTRATE JUDGE		
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