

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL VINTON GRANADOS, Jr.,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner Of Social Security,

Defendant.

Case No. 1:16-cv-1123-AWI-SMS

ORDER DENYING PLAINTIFF’S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

(Doc. 2)

On August 2, 2016, Plaintiff Paul Vinton Granados, Jr., by his attorney, Jonathan Omar Pena, filed a motion to proceed *in forma pauperis*. Doc. 2. For the reasons that follow, Plaintiff’s motion will be denied.

Under section 1916(a), the Court “may authorize the commencement . . . of any suit . . . without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] . . . possesses that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a). A plaintiff “need not be absolutely destitute to obtain benefits of the in forma pauperis statute. But a plaintiff seeking IFP status must allege poverty with some particularity, definiteness and certainty.” Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015) (quotations and citations omitted).

According to the Department of Health and Human Services, the 2016 poverty guideline for a two-person household is \$16,020.¹ U.S. Department of Health and Human Services, *Poverty*

¹ These poverty guidelines apply to those residing in the 48 contiguous states and the District of Columbia, excluding Alaska and Hawaii.

1 *Guidelines*, <https://aspe.hhs.gov/poverty-guidelines> (last visited February 26, 2016); Annual Update
2 of the HHS Poverty Guidelines, 81 Fed. Reg. 4036 (August 7, 2016). Here, Plaintiff also lists
3 \$35,000 worth of automobile assets. Also, Plaintiff, who cares for a grandparent/provides \$300 per
4 month for the grandparent's care, reported that he receives \$3,068 per month of Veterans disability
5 compensation. Plaintiff expects to continue receiving this amount in the future. This translates to an
6 annual income of \$36,816. Under a two-person household, Plaintiff's income level is therefore
7 \$20,796 above the poverty guideline.²
8

9 In light of the information provided by Plaintiff, the Court cannot conclude at this time that
10 Plaintiff's financial status is that of an indigent. Thus, the Court will deny Plaintiff's motion .
11 However, if Plaintiff believes that there is additional information that the court should consider, the
12 Court will give Plaintiff the opportunity to file an amended motion to proceed *in forma pauperis*.
13

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff's motion to proceed *in forma pauperis* is DENIED;
- 16 2. Within fourteen (14) days of service of this order, Plaintiff may file an amended motion to
17 proceed *in forma pauperis* that contains additional relevant information;
- 18 3. If Plaintiff does not file an amended motion to proceed *in forma pauperis*, Plaintiff shall pay
19 the filing fee to the Clerk of the Court no later than September 8, 2016; and
- 20 4. If Plaintiff chooses not to file an amended petition, and he does not pay the filing fee within
21 the deadlines set by this order, this case shall be dismissed and closed without further notice.
22

23 IT IS SO ORDERED.

24 Dated: August 8, 2016

25 
26 SENIOR DISTRICT JUDGE

27
28 ² \$36,816 - \$16,020 = \$20,796.