UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SHAWN G. BRADSHAW,	Case No. 1:16-cv-01568-SAB-HC
Petitioner,	ORDER GRANTING PETITIONER'S APPLICATION TO PROCEED *IN FORMA PAUPERIS*
v.	
WIL MONTGOMERY,	(ECF No. 2)
Respondent.	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On October 13, 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). Petitioner also filed an application to proceed *in forma pauperis* the same day. (ECF No. 2). On October 17, 2016, the Sacramento Division transferred this action to this Court. (ECF No. 4).

The determination of applications to proceed *in forma pauperis* is governed by 28 U.S.C. § 1915. 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.

1 | City of Boise, Civil Action No. 09-72-S-EJL, 2009 WL 1149442, at *2 (D. Idaho Apr. 28, 2009);

2 | Johnson v. Leohane, Civil Action No. 08-00432-ACK-KSC, 2008 WL 4527065, at *1 (D. Haw.

3 | Oct. 9, 2008); Johnson v. Spellings, 579 F.Supp.2d 188, 191 (D.D.C. 2008).

4 | The Court has evaluated whether Petitioner meets the standard to proceed *in forma*

5 | *pauperis* according to 28 U.S.C. § 1915. Based upon the information in his application to

6 | proceed *in forma pauperis*, the Court finds that Petitioner is indigent and unable to pay the filing

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

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9 | IT IS SO ORDERED.

10 | Dated: **October 18, 2016**

UNITED STATES MAGISTRATE JUDGE