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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

FERNANDO SINGLETON MILLSAP,  
  
                    Petitioner,  
  
          v.  
  
PEOPLE OF THE STATE OF  
CALIFORNIA,  
  
                    Respondent.

Case No. 1:17-cv-00793- EPG-HC  
  
ORDER GRANTING PETITIONER’S  
MOTION TO PROCEED *IN FORMA*  
*PAUPERIS*  
  
(ECF No. 2)

Petitioner Fernando Singleton Millsap is proceeding *pro se* with a petition for writ of habeas corpus.

Petitioner has filed a motion 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); Johnson v. Leohane, Civil Action No. 08-00432-ACK-KSC, 2008 WL 4527065, at \*1 (D. Haw. Oct. 9, 2008); Johnson v. Spellings, 579 F.Supp.2d 188, 191 (D.D.C. 2008).

The Court has evaluated whether Petitioner meets the standard to proceed *in forma pauperis* according to 28 U.S.C. § 1915. Based upon the information in his motion to proceed *in*

1 *forma pauperis*, the Court finds that Petitioner is indigent and unable to pay the filing fee.  
2 Accordingly, Petitioner's motion to proceed *in forma pauperis* is GRANTED.

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4 IT IS SO ORDERED.

5 Dated: June 16, 2017

6 /s/ Eric P. Gray  
7 UNITED STATES MAGISTRATE JUDGE  
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