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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 FERNANDO SINGLETON MILLSAP,

11 Petitioner,

12 v.

13 PEOPLE OF THE STATE OF
14 CALIFORNIA,

15 Respondent.

Case No. 1:17-cv-00793- EPG-HC

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

(ECF No. 2)

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

18 Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 2). In order to
19 proceed in court without prepayment of the filing fee, Petitioner must submit an affidavit
20 demonstrating that he "is unable to pay such fees or give security therefor." 28 U.S.C.
21 § 1915(a)(1). Although there is no set formula to determine whether a certain income level meets
22 the poverty threshold under § 1915(a)(1), courts have looked to the federal poverty guidelines
23 developed each year by the Department of Health and Human Services. See Lint v. City of
24 Boise, Civil Action No. 09-72-S-EJL, 2009 WL 1149442, at *2 (D. Idaho Apr. 28, 2009);
25 Johnson v. Leohane, Civil Action No. 08-00432-ACK-KSC, 2008 WL 4527065, at *1 (D. Haw.
26 Oct. 9, 2008); Johnson v. Spellings, 579 F.Supp.2d 188, 191 (D.D.C. 2008).

27 The Court has evaluated whether Petitioner meets the standard to proceed *in forma*
28 *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

/s/ *Eric P. Gross*

6 UNITED STATES MAGISTRATE JUDGE

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