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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MABLE STEINER,
Plaintiff,
v.
VERIZON WIRELESS,
Defendant.

No. 2:13-cv-1457-JAM-KJN PS

ORDER

Plaintiff Mable Steiner, proceeding in this action without counsel, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.)¹

Plaintiff's declaration in support of her application to proceed in forma pauperis states that she has no dependents and that she is receiving worker's compensation payments of \$529.00 every two weeks, as well as widow benefits of \$1,199.00 per month, which translates to gross income of approximately \$28,142.00 per year.² (ECF No. 2.) Plaintiff also owns a 2006 Buick LaCrosse, which is valued at \$6,000.00 and on which she is making car payments. (Id.) According to the United States Department of Health and Human Services, the poverty guideline for a person with no dependents (and not residing in Alaska or Hawaii) is \$11,490 for 2013. See

¹ This case proceeds before the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1).

² (\$529.00 x 26 weeks) + (\$1,199.00 x 12 months) = \$28,142.00

1 http://aspe.hhs.gov/poverty/13poverty.cfm. Thus, with an annual income of approximately
2 \$28,142.00, plaintiff's income is considerably more than 200% of the 2013 poverty guideline.


3 Presently, a filing fee of \$400 is required to commence a civil action in this court. The
4 court may authorize the commencement of an action "without prepayment of fees or security
5 therefor" by a person that is unable to pay such fees or provide security therefor. 28 U.S.C. §
6 1915(a)(1). Here, while the court is sympathetic to the fact that plaintiff does not earn a
7 substantial amount of annual income and has other expenses to pay, plaintiff's declaration
8 nonetheless shows that she earns over 200% of the 2013 poverty guideline. Thus, plaintiff has
9 made an inadequate showing of indigency. See Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir.
10 1995); Alexander v. Carson Adult High Sch., 9 F.3d 1448, 1449 (9th Cir. 1993).

11 For the foregoing reasons, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is denied without
13 prejudice.
- 14 2. Within 28 days of this order, plaintiff shall pay the applicable filing fee or file an
15 amended application demonstrating her entitlement to proceed in forma pauperis if she
16 can do so in good faith. Plaintiff's failure to pay the filing fee or file an amended
17 application by the above deadline will result in a recommendation that plaintiff's
18 complaint be dismissed without prejudice pursuant to Federal Rule of Civil Procedure
19 41(b).

20 IT IS SO ORDERED.

21 Dated: July 25, 2013

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24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE
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