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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANGELA C. CLOSSON,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

No. 2:13-cv-2381-KJN

ORDER

Plaintiff, who is represented by an attorney, filed her complaint (ECF No. 1) without paying the applicable filing fee. Instead, plaintiff filed an application to proceed in forma pauperis (ECF No. 2).

Plaintiff’s declaration in support of her application to proceed in forma pauperis indicates that while the sole “income” she receives is a monthly annuity payment of \$1,500.00, the declaration also indicates that plaintiff owns a 2013 Honda valued at \$27,000, a house “with \$134,000 equity,” and a 1999 Chevy valued at \$4,000. (ECF No. 2 at 2.)

Pursuant to federal statute, a filing fee of \$350 is required to commence a civil action in federal district court. 28 U.S.C. § 1914(a). The court may authorize the commencement of an action “without prepayment of fees” by a person that is “unable to pay such fees *or give security therefor.*” 28 U.S.C. § 1915(a)(1) (emphasis added). Plaintiff’s declaration does not demonstrate

1 that she is unable to use her house or her 2013 Honda as security upon which she might obtain  
2 funds pay the initial filing fee in this case. Thus, plaintiff has not yet made an inadequate  
3 showing of indigency. See Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995); Alexander v.  
4 Carson Adult High Sch., 9 F.3d 1448, 1449 (9th Cir. 1993).


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

6 1. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is denied without  
7 prejudice.

8 2. Within 28 days of the date of this order, plaintiff shall either pay the applicable  
9 filing fee *or* file an amended application to proceed in forma pauperis that more thoroughly  
10 explains why plaintiff is unable to pay the initial filing fee despite her potential ability to "give  
11 security" for such fee based upon her assets described above. If plaintiff fails to either pay the  
12 filing fee *or* file an amended application by the above deadline, this will result in a  
13 recommendation that plaintiff's complaint be dismissed pursuant to Federal Rule of Civil  
14 Procedure 41(b), and will also constitute plaintiff's consent to such involuntary dismissal.

15 IT IS SO ORDERED.

16 Dated: November 22, 2013

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19 KENDALL J. NEWMAN  
20 UNITED STATES MAGISTRATE JUDGE  
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