

1 various monthly expenditures, including a \$120 payment to the IRS, a \$400 life insurance
2 payment, and \$400 in gas expenses. However, numerous litigants in this court have significant
3 monthly expenditures, and may have to make difficult choices as to which expenses to incur,
4 which expenses to reduce or eliminate, and how to apportion their income between such expenses
5 and litigating an action in federal court. Such difficulties in themselves do not amount to
6 indigency.


7 Presently, a filing fee of \$400 is required to commence a civil action in this court. The
8 court may authorize the commencement of an action “without prepayment of fees or security
9 therefor” by a person that is unable to pay such fees or provide security therefor. 28 U.S.C. §
10 1915(a)(1). Here, while the court is sympathetic to the fact that plaintiff has other expenses to
11 pay, plaintiff’s declaration nonetheless shows that she earns \$61,200.00 per year—over 300% of
12 the 2014 poverty guideline. Thus, plaintiff has made an inadequate showing of indigency. See
13 Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995); Alexander v. Carson Adult High Sch., 9
14 F.3d 1448, 1449 (9th Cir. 1993).

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

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

24 IT IS SO ORDERED.

25 Dated: April 7, 2014

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28 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE