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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	KENNEISHA MOORE,	No. 2:14-cv-0820-TLN-KJN PS
12	Plaintiff,	
13	V.	
14	COMMISSIONER OF SOCIAL SECURITY,	ORDER
15 16	Defendant.	
17	Plaintiff Kenneisha Moore, proceeding in this action without counsel, has requested leave	
18	to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.) ¹	
19	Plaintiff's declaration in support of her application to proceed in forma pauperis states that	
20	she is employed by the California Department of Health Care Services and earns wages of	
21	\$5,100.00 per month, which translates to gross income of approximately \$61,200.00 per year.	
22	(ECF No. 2.) Plaintiff has two minor dependents. (Id.) According to the United States	
23	Department of Health and Human Services, the poverty guideline for a household of 3 people not	
24	residing in Alaska or Hawaii is \$19,790 for 2014. See http://aspe.hhs.gov/poverty/14poverty.cfm.	
25	Thus, with an annual gross income of approximately \$61,200.00, plaintiff's income is more than	
26	300% of the 2014 poverty guideline. To be sure, plaintiff's application demonstrates that she has	
27 28	$\frac{1}{1}$ This case was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(15).	
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various monthly expenditures, including a \$120 payment to the IRS, a \$400 life insurance
payment, and \$400 in gas expenses. However, numerous litigants in this court have significant
monthly expenditures, and may have to make difficult choices as to which expenses to incur,
which expenses to reduce or eliminate, and how to apportion their income between such expenses
and litigating an action in federal court. Such difficulties in themselves do not amount to
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:

- Plaintiff's application to proceed in forma pauperis (ECF No. 2) is denied without
 prejudice.
- 2. Within 28 days of this order, plaintiff shall pay the applicable filing fee or file an
 amended application demonstrating her entitlement to proceed in forma pauperis if she
 can do so in good faith in light of the court's above observations.
- Plaintiff's failure to pay the filing fee or file an amended application by the above
 deadline will result in a recommendation that plaintiff's complaint be dismissed
 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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KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE