

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL CROMER,

No. 2:14-cv-01593-KJM-AC

Plaintiff,

ORDER

SUN LIFE ASSURANCE COMPANY OF
CANADA, and DOES 1 to 100,

Defendant.

Plaintiff Paul Cromer filed this action under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.*, on July 7, 2014. (ECF No. 1.) Plaintiff requests permission to proceed *in forma pauperis* (IFP). (ECF No. 2.) As explained below, the court GRANTS plaintiff's request.

I. DISCUSSION

A party instituting a civil action in a United States district court, except for an application for a writ of habeas corpus, must pay a filing fee of \$400.00. 28 U.S.C. § 1914. If a party, however, is granted leave to proceed *in forma pauperis*, an action may proceed without prepaying the entire fee. *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). To qualify for IFP status, a party need not show that he or she is entirely destitute. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339–40 (1948). Yet, “the same even-handed care must be employed to assure that federal funds are not squandered to underwrite, at public expense, either

1 frivolous claims or the remonstrances of a suitor who is financially able, in whole or in material
2 part, to pull his own oar.” *Temple v. Ellerthorpe*, 586 F. Supp. 848, 850 (D.R.I. 1984).

3 Here, plaintiff is entitled to IFP status. In the application to proceed without
4 prepayment of fees and affidavit, form number AO 240, plaintiff, under penalty of perjury, states
5 he has been unemployed since January 15, 2013; has no assets in value; has no income; and has a
6 bank account with a \$300.00 balance. (ECF No. 2.) Accordingly, based on these circumstances,
7 the court grants plaintiff’s request.

8 II. CONCLUSION

9 For the foregoing reasons, plaintiff’s motion to proceed *in forma pauperis* is
10 GRANTED.

11 IT IS SO ORDERED

12 DATED: November 12, 2014.

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15 UNITED STATES DISTRICT JUDGE
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