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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 MABEL NORSE,

12 Plaintiff,

13 v.

14 STATE OF CALIFORNIA
15 DEPARTMENT OF MOTOR VEHICLES,

16 Defendant.
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No. 2:15-cv-1358-JAM-KJN PS

ORDER

18 Presently pending before the court is plaintiff's motion for leave to proceed without the
19 prepayment of fees and costs, also referred to as *in forma pauperis*, pursuant to 28 U.S.C. §
20 1915.¹ (ECF No. 2.) The affidavit in support of the motion states that plaintiff receives monthly
21 net income of \$3,638.01. (*Id.*) Plaintiff has no dependents. (*Id.*)

22 Presently, a filing fee of \$400.00 is required to commence a civil action in this court. The
23 court may authorize the commencement of an action "without prepayment of fees or security
24 therefor" by a person that is unable to pay such fees or provide security therefor. 28 U.S.C. §
25 1915(a)(1). Here, the court cannot find that plaintiff is unable to pay the court filing fee, because
26 her annual income of \$43,656.12 is well over 300% of the 2015 federal poverty guideline. See

27 _____
28 ¹ This case was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(21).

1 <http://aspe.hhs.gov/2015-poverty-guidelines>.


2 The court is sympathetic to the fact that plaintiff does not earn a vast amount of annual
3 income and that plaintiff also has several expenses with which to contend. However, numerous
4 litigants in this court have significant monthly expenditures and sometimes face difficult choices
5 as to which expenses to incur, which expenses to reduce or eliminate, and how to apportion their
6 income between such expenses and litigating an action in federal court. Such difficulties in
7 themselves do not amount to indigence.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's motion to proceed *in forma pauperis* (ECF No. 2) is denied.
- 10 2. Within 28 days of this order, plaintiff shall pay the applicable filing fee. However, the
11 court will entertain a request for a reasonable extension of time to pay the fee should
12 such an extension be necessary.
- 13 3. Failure to timely pay the filing fee, or timely request an extension of time to do so,
14 may result in a recommendation of dismissal of the action pursuant to Federal Rule of
15 Civil Procedure 41(b).

16 IT IS SO ORDERED.

17 Dated: August 24, 2015

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19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE
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