

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MABEL NORSE.

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

Plaintiff,

V.

ORDER

STATE OF CALIFORNIA
DEPARTMENT OF MOTOR VEHICLES.

Defendant.

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

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

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

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

The court is sympathetic to the fact that plaintiff does not earn a vast amount of annual income and that plaintiff also has several expenses with which to contend. However, numerous litigants in this court have significant monthly expenditures and sometimes face 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 indigence.

Accordingly, IT IS HEREBY ORDERED that:

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

IT IS SO ORDERED.

Dated: August 24, 2015

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE