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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DE ION RICHARDS-DAIKAI,

Plaintiff,

v.

DEPARTMENT OF MOTOR VEHICLES
OF THE STATE OF CALIFORNIA,

Defendant.

No. 2:15-cv-1720 MCE GGH PS

ORDER

Plaintiff, proceeding in this action pro se, has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 302(c)(21).

Plaintiff’s declaration in support of his application to proceed in forma pauperis states that he has one dependent¹ and that he is currently employed, earning gross wages of \$3,703 per month, or take home wages of \$2455 per month, which translates to gross income of approximately \$44,436 per year. (ECF No. 2.) Plaintiff has monthly expenses in the amount of \$2,272 for rent, utilities, loan, food, day care, and gas.² (Id.) According to the United States Department of Health and Human Services, the poverty guideline for a two person household

¹ Plaintiff does not state how much per month he contributes to his dependent.

² Plaintiff also states he has a truck loan in the amount of \$1600 and credit card debt of \$800; however, plaintiff has not stated how much he must pay monthly on these expenses. (Id. at 2.)

1 (and not residing in Alaska or Hawaii) is \$15,930 for 2015. See
2 <http://aspe.hhs.gov/poverty/15poverty.cfm>. Thus, with an annual income of approximately
3 \$44,436, plaintiff's income is more than 275% of the 2015 poverty guideline.

4 Presently, a filing fee of \$400 is required to commence a civil action in this court. The
5 court may authorize the commencement of an action "without prepayment of fees or security
6 therefor" by a person that is unable to pay such fees or provide security therefor. 28 U.S.C. §
7 1915(a)(1). Here, while the court is sympathetic to the fact that plaintiff does not earn a
8 substantial amount of annual income and has other expenses to pay, plaintiff's declaration
9 nonetheless shows that he earns over 275% of the 2015 poverty guideline. Thus, plaintiff has
10 made an inadequate showing of indigency. See Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir.
11 1995); Alexander v. Carson Adult High Sch., 9 F.3d 1448, 1449 (9th Cir. 1993).

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

13 1. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is denied without
14 prejudice.

15 2. Within 28 days of this order, plaintiff shall pay the applicable filing fee or file an
16 amended application demonstrating his entitlement to proceed in forma pauperis if he can do so in
17 good faith. Plaintiff's failure to pay the filing fee or file an amended application by the above
18 deadline will result in a recommendation that plaintiff's complaint be dismissed without
19 prejudice.

20 Dated: October 6, 2015

21 /s/ Gregory G. Hollows

22 UNITED STATES MAGISTRATE JUDGE