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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAMELA E. WATKINS,
Plaintiff,
v.
UNITED STATES POSTAL SERVICE,
Defendant.

No. 2:17-cv-612-TLN-KJN PS

ORDER

Presently pending before the court is plaintiff’s motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.¹ (ECF No. 2.) The affidavit in support of the motion indicates that plaintiff’s gross wages are \$4,600.00 per month, i.e., \$55,200.00 annually. According to the United States Department of Health and Human Services, the poverty guideline for a household of 3 people (plaintiff, her husband, and her grandson) not residing in Alaska or Hawaii is \$20,420.00 for 2017. See <https://aspe.hhs.gov/poverty-guidelines>. Thus, plaintiff’s gross household income is well in excess of 200%, and approaching 300%, of the 2017 poverty guideline. Additionally, although plaintiff is still making mortgage payments, she is the owner of a home with an approximate value of \$220,000.00; a car worth \$6,000.00; and household

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

1 furniture worth \$5,000.00.


2 Presently, a filing fee of \$400.00 is required to commence a civil action in this court. The
3 court may authorize the commencement of an action “without prepayment of fees or security
4 therefor” by a person that is unable to pay such fees or provide security therefor. 28 U.S.C.
5 § 1915(a)(1). Here, the court cannot find that plaintiff is unable to pay, or provide security for,
6 the court filing fee. To be sure, the court is sympathetic to the fact that plaintiff does not have a
7 large income by any measure, and that plaintiff also has several expenses to contend with.
8 However, numerous litigants in this court have significant monthly expenditures, and may have to
9 make difficult choices as to which expenses to incur, which expenses to reduce or eliminate, and
10 how to apportion their income between such expenses and litigating an action in federal court.
11 Such difficulties in themselves do not amount to indigency.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff’s motion to proceed *in forma pauperis* (ECF No. 2) is denied.
- 14 2. Within 28 days of this order, plaintiffs shall pay the applicable filing fee. However,
15 the court will entertain a request for a reasonable extension of time to pay the fee
16 should such an extension be necessary.
- 17 3. Failure to timely pay the filing fee, or timely request an extension of time to do so,
18 may result in dismissal of the action pursuant to Federal Rule of Civil Procedure
19 41(b).

20 IT IS SO ORDERED.

21 Dated: April 10, 2017

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23 _____
24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE
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