



1 v. *Murphy*, 745 F.2d 1221, 1226 (9th Cir. 1984). The statute does not itself delineate when  
2 someone is unable to pay the fee, but the Supreme Court has limited IFP status to those who file a  
3 sworn affidavit showing “complete destitution”. *Adkins v. E.I. DuPont de Nemours & Co.*, 335  
4 U.S. 331, 339–40 (1948). Although the plaintiff seeking IFP status must allege poverty “with  
5 some particularity, definiteness and certainty,” *United States v. McQuade*, 647 F.2d 938, 940 (9th  
6 Cir. 1981) (internal quotation marks omitted), a sworn statement that the plaintiff cannot pay the  
7 court costs while still affording the necessities of life is generally enough, *Adkins*, 335 U.S. at  
8 339; *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960). But “[i]f an applicant has the  
9 wherewithal to pay court costs, or some part thereof, without depriving himself and his  
10 dependents (if any there be) of the necessities of life, then he should be required . . . to put his  
11 money where his mouth is.” *Williams v. Latins*, 877 F.2d 65 (9th Cir. 1989) (citation and internal  
12 quotation marks omitted).

## 13 II. APPLICATION

14 Here, plaintiff is entitled to IFP status. Under penalty of perjury, she declares she  
15 has only \$100 in savings, no job, and limited property of value. IFP Application, ECF No. 2.  
16 She apparently has a home, for which she has a \$933 monthly mortgage payment, and she owns  
17 an \$8,000 car. *Id.* Plaintiff’s only income source is a \$1,182 monthly social security disability  
18 payment. Her reported monthly expenses include her mortgage, \$95 for car insurance, and \$110  
19 for utilities. *Id.* In sum, her basic monthly expenses total \$1,138, just \$44 shy of her monthly  
20 income, without accounting for other basic expenses such as food. Plaintiff has sufficiently  
21 shown destitution.

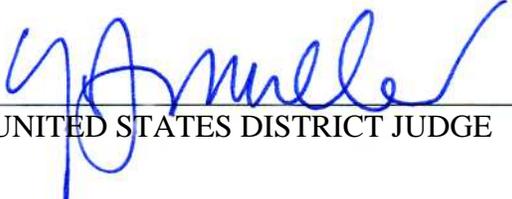
22 That she is represented by counsel does not change this result. *See generally*  
23 28 U.S.C. § 1915(a) (nowhere limiting IFP status to pro se plaintiffs); *Kwan v. Schlein*, 246  
24 F.R.D. 447, 453 (S.D.N.Y. 2007) (“[A]uthorization to commence litigation without the  
25 prepayment of fees is based on the resources of the litigant and not on whether she has obtained  
26 counsel.”); *see also Cottingham for Washington v. Bd. of Educ. of Emery Unified Sch. Dist.*,  
27 C-93-0824-DLJ, 1993 WL 79698, at \*1 (N.D. Cal. Mar. 15, 1993) (considering plaintiffs’  
28 request, although represented by counsel, to proceed IFP). Without any evidence showing

1 plaintiff has paid her attorney, the court accepts her declaration of destitution as true. *See Kwan*,  
2 246 F.R.D. at 453 (“[Unless] payments [ ]to her attorney demonstrate [Kwan] is no longer  
3 indigent, there is no basis for reconsidering her in forma pauperis status.”). The court GRANTS  
4 plaintiff’s motion to proceed *in forma pauperis*.

5 IT IS SO ORDERED.

6 This resolves ECF No. 2.

7 DATED: August 10, 2017.

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11 UNITED STATES DISTRICT JUDGE  
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