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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN M.D. SCHNELL,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

No. 2:17-cv-1941-KJN

ORDER

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.<sup>1</sup> (ECF No. 2.)

The affidavit in support of the motion indicates that plaintiff has a monthly gross income from his employment at U-Haul in the amount of \$1,525.30 to \$1,906.60, as well as additional monthly income of \$750 from an accident settlement. Therefore, plaintiff at a minimum receives \$2,275.30 per month (\$1,525.30 + \$750), i.e., \$27,303.60 annually. According to the United States Department of Health and Human Services, the poverty guideline for a household of 1

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<sup>1</sup> This case was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(15).

1 person not residing in Alaska or Hawaii is \$12,060 for 2017. See [https://aspe.hhs.gov/poverty-](https://aspe.hhs.gov/poverty-guidelines)  
2 guidelines. Thus, plaintiff's gross household income is over 200% of the 2017 poverty guideline.

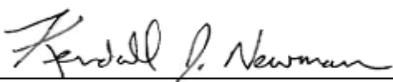
3 Presently, a filing fee of \$400.00 is required to commence a civil action in this court. The  
4 court may authorize the commencement of an action "without prepayment of fees or security  
5 therefor" by a person that is unable to pay such fees or provide security therefor. 28 U.S.C. §  
6 1915(a)(1). Here, the court cannot find that plaintiff is unable to pay, or provide security for, the  
7 court filing fee. To be sure, the court is sympathetic to the fact that plaintiff does not have a large  
8 income, and that plaintiff also has several expenses to contend with. However, numerous litigants  
9 in this court have significant monthly expenditures, and may have to make difficult choices as to  
10 which expenses to incur, which expenses to reduce or eliminate, and how to apportion their  
11 income between such expenses and litigating an action in federal court. Such difficulties in  
12 themselves do not amount to indigency. Moreover, in this case, plaintiff lists a total of about  
13 \$900 in monthly expenses, which should leave plaintiff with sufficient income to pay the filing  
14 fee, even if he did not opt to eliminate any of his listed expenses.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff's motion to proceed *in forma pauperis* (ECF No. 2) is DENIED.
- 17 2. Within 28 days of this order, plaintiff shall pay the applicable filing fee. However, the  
18 court will entertain a request for a reasonable extension of time to pay the fee should  
19 such an extension be necessary.
- 20 3. Failure to timely pay the filing fee, or timely request an extension of time to do so,  
21 may result in dismissal of the action pursuant to Federal Rule of Civil Procedure  
22 41(b).

23 IT IS SO ORDERED.

24 Dated: October 27, 2017

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27 KENDALL J. NEWMAN  
28 UNITED STATES MAGISTRATE JUDGE