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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHERYL DENISE SLATON,
Plaintiff,
v.
I.R.S.,
Defendant.

No. 2:18-cv-00189-TLN-CKD (PS)

ORDER

Presently pending before the court is plaintiff's amended motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.¹ (ECF No. 4.) The court previously denied plaintiff's first motion to for leave to proceed *in forma pauperis* because plaintiff's affidavit in support of the first motion was incomplete. (See ECF No. 3.)

The affidavit in support of the amended motion indicates that plaintiff's net wages are \$779.38 every two weeks, i.e., \$20,263.88 annually. (ECF No. 4 at 1.) In addition, plaintiff attests that she also receives \$937.00 in Social Security benefits once a month, i.e., \$11,244.00 annually. (Id.) Therefore, plaintiff's total net annual income is \$31,507.88.

Plaintiff also indicates that her minor granddaughter is dependent on her for support. (Id. at 2.) According to the United States Department of Health and Human Services, the 2018

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

1 poverty guideline for a household of two, in the contiguous United States, is \$16,460. See
2 <https://aspe.hhs.gov/poverty-guidelines> (last visited April 4, 2018). Thus, plaintiff's gross
3 household income is well in excess of 100%, and approaching 200%, of the 2018 poverty
4 guidelines for a similarly situated individual.

5 Moreover, while plaintiff lists monthly expenses of approximately \$1,535.00, her monthly
6 net income, between wages and benefits, is approximately \$2,625.66. (See ECF No. 4.)
7 Therefore, according to plaintiff's own affidavit, she receives at least \$1,000.00 in excess of her
8 expenses, every month.

9 Presently, a filing fee of \$400.00 is required to commence a civil action in this court. The
10 court may authorize the commencement of an action "without prepayment of fees or security
11 therefor" by a person that is unable to pay such fees or provide security therefor. 28 U.S.C. §
12 1915(a)(1). Here, the court cannot find that plaintiff is unable to pay, or provide security for, the
13 court filing fee. To be sure, the court is sympathetic to the fact that plaintiff does not have a large
14 income by any measure, and that plaintiff also has several expenses to contend with. However,
15 numerous litigants in this court have significant monthly expenditures, and may have to make
16 difficult choices as to which expenses to incur, which expenses to reduce or eliminate, and how to
17 apportion their income between such expenses and litigating an action in federal court. Such
18 difficulties in themselves do not amount to indigency.

19 Accordingly, IT IS HEREBY ORDERED that:

- 20 1. Plaintiff's amended motion to proceed *in forma pauperis* (ECF No. 4) is denied.
- 21 2. Within 28 days of this order, plaintiffs shall pay the applicable filing fee. However,
22 the court will entertain a request for a reasonable extension of time to pay the fee
23 should such an extension be necessary.

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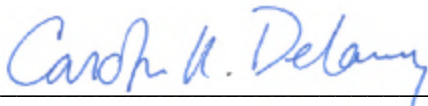
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3. Failure to timely pay the filing fee, or timely request an extension of time to do so,
may result in dismissal of the action pursuant to Federal Rule of Civil Procedure
41(b).

Dated: April 6, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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