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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONYA ENGELBRECHT,
Plaintiff,
v.
KERN COUNTY ELECTIONS OFFICE,
et al.,
Defendants.

No. 2:18-cv-00494-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 net wages are \$1,400.00 every month, i.e., \$16,800.00 annually. (ECF No. 2 at 1.) In addition, plaintiff attests that she has \$11,000.00 in a checking or savings account, \$1,000.00 in monthly living expenses, and that she does not have any dependents, debts, or financial obligations. (Id. at 2.)

According to the United States Department of Health and Human Services, the 2018 poverty guideline for a household of one, in the contiguous United States, is \$12,140.00. See <https://aspe.hhs.gov/poverty-guidelines> (last visited April 9, 2018). Thus, plaintiff’s net

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

1 household income is approximately 138% of the 2018 poverty guidelines for a similarly situated
2 individual. In addition, plaintiff admits to having \$11,000.00 in cash on hand. Moreover,
3 plaintiff attests that her net monthly income is \$400.00 more than her monthly expenses. (See
4 ECF No. 2.) At the same time, plaintiff asserts that her home is in need of repairs that will cost
5 over \$25,000.00. (Id. at 2.)

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

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff’s motion to proceed *in forma pauperis* (ECF No. 2) is denied.
- 19 2. Within 28 days of this order, plaintiffs shall pay the applicable filing fee. However,
20 the court will entertain a request for a reasonable extension of time to pay the fee
21 should such an extension be necessary.
- 22 3. Failure to timely pay the filing fee, or timely request an extension of time to do so,
23 may result in dismissal of the action pursuant to Federal Rule of Civil Procedure
24 41(b).

25 Dated: April 11, 2018

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27 _____
28 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE