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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANDRA C. SAMUELIAN,
Plaintiff,
v.
U.S. TREASURY, et al.,
Defendants.

No. 2:18-cv-995-JAM-EFB PS

FINDINGS AND RECOMMENDATIONS

Plaintiff, proceeding in pro se, has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.¹ ECF No. 2. Plaintiff’s affidavit, submitted in support of her application as required by 28 U.S.C. § 1915(a)(1), demonstrates that she is not eligible for *in forma pauperis* status. *Id.*

Pursuant to federal statute, a filing fee of \$350.00 is required to commence a civil action in federal district court. 28 U.S.C. § 1914(a). This court also requires a \$50 administrative fee. The court may authorize the commencement of an action without prepayment of fees and costs or security therefor, by a person who submits an affidavit showing that he is unable to pay such costs or give security therefor. 28 U.S.C. § 1915(a)(1). An *in forma pauperis* applicant must demonstrate that because of her poverty, she cannot meet court costs and still provide herself and

¹ This case, in which plaintiff is proceeding pro se, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1).

1 her dependents with the necessities of life. *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307
2 (11th Cir. 2004) (affidavit is sufficient if it represents that the litigant is “unable to pay for the
3 court fees and costs, and to provide necessities for himself and his dependents”) (citing *Adkins v.*
4 *E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948)); *see also* *Sears, Roebuck & Co. v.*
5 *Charles W. Sears Real Estate, Inc.*, 865 F.2d 22, 23 (2d Cir. 1988) (denying *in forma pauperis*
6 status where applicant had a net income of approximately \$20,000).

7 Plaintiff’s affidavit indicates that she has \$894,000 in checking and savings accounts.
8 ECF No. 2 at 2. She further states that she has no dependents relying on her for support. *Id.*
9 Based on those averments, the court cannot find that plaintiff has demonstrated that she has
10 insufficient assets to pay the filing fee and costs and provide the necessities of life to herself and
11 her dependents.

12 Accordingly, it is hereby RECOMMENDED that plaintiff’s application to proceed *in*
13 *forma pauperis* be denied, and that plaintiff be given thirty days in which to pay the filing fee of
14 \$400.

15 These findings and recommendations are submitted to the United States District Judge
16 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
17 after being served with these findings and recommendations, any party may file written
18 objections with the court and serve a copy on all parties. Such a document should be captioned
19 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
20 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
21 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

22 DATED: July 2, 2018.

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24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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