

1 plaintiff has several expenses with which to contend. However, numerous litigants in this court
2 have significant monthly expenditures, and may have to make difficult choices as to how to
3 apportion their income between such expenses and litigating an action in federal court. Such
4 difficulties in themselves do not amount to indigency. Thus, the court recommends plaintiff's
5 IFP motion be denied. See Tripathi v. Rison, 847 F.2d 548 (9th Cir. 1988) (absent consent of all
6 parties, magistrate judge lacks authority to issue dispositive order denying in forma pauperis
7 status).

8 Presently, a filing fee of \$402.00 is required to commence a civil action in this court.
9 However, based on the information in the affidavit, it is clear that a one-time \$402 payment may
10 represent a significant strain on plaintiff's budget. Therefore, the court finds it appropriate to
11 allow for monthly payments of \$100 until the \$400 filing fee is satisfied. The court will issue
12 service orders upon receipt of the first installment of \$102.00 (with \$100 installments thereafter).

13 **ORDER AND RECOMMENDATIONS**

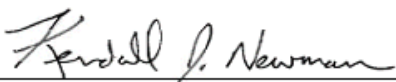
14 Accordingly, the undersigned ORDERS the Clerk of Court to RANDOMLY ASSIGN a
15 district judge to this action. Further, it is RECOMMENDED that:

- 16 1. Plaintiff's IFP request (ECF No. 2) be DENIED;
- 17 2. Plaintiff be granted leave to satisfy the filing fee in \$100 installments, beginning June
18 1, 2023 and due on the 1st of each month thereafter, and allow for the Clerk to issue a
19 summons after the first installment is received; and
- 20 3. Plaintiff be warned that failure to satisfy the full filing fee according to the payment
21 schedule may result in dismissal under Federal Rule of Civil Procedure 41(b).

22 These findings and recommendations are submitted to the United States District Judge assigned to
23 the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). No objections period is required for
24 IFP denials. Minetti v. Port of Seattle, 152 F.3d 1113, 1114 (9th Cir. 1998), as amended (Sept. 9,
25 1998) (“[Plaintiff] was not entitled to file written objections to the magistrate judge's
26 recommendation that [his] application to proceed in forma pauperis be denied.”).

27 Dated: May 5, 2023

28 carr.816


2 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE