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7 **UNITED STATES DISTRICT COURT**  
8 **SOUTHERN DISTRICT OF CALIFORNIA**  
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10 FRANCINE ANTOINETTE SALAS,

11 Plaintiff,

12 vs.

13 CINTAS CORP.,

14 Defendant.

CASE NO. 08cv0208 JM(AJB)


ORDER GRANTING MOTION TO  
PROCEED IN FORMA PAUPERIS

15 Plaintiff moves for leave to prosecute this action without the prepayment of fees pursuant to  
16 28 U.S.C. § 1915. Plaintiff declares that her take-home pay is about \$950 bi-weekly, she possesses  
17 a checking account with a balance of \$150, she owns a 1999 automobile, she owns a condominium  
18 purchased in 2003 with negative equity, and she owes in excess of \$25,000 to various creditors.  
19 Although a close call, the court grants the motion to proceed in forma pauperis because it appears that  
20 payment of such fees would cause Plaintiff undue burden. See Moon v. Newsome, 863 F.2d 835 (11<sup>th</sup>  
21 Cir. 1989) (in forma pauperis status granted where payment of filing fees imposes undue burden).  
22 Consequently, the court grants the motion to proceed in forma pauperis. However, service of process  
23 on Defendant remains the responsibility of Plaintiff. See Fed.R.Civ.P. 4.

24 In sum, the motion to proceed without the prepayment of fees is granted.

**IT IS SO ORDERED.**

25 DATED: April 2, 2008

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Hon. Jeffrey T. Miller  
United States District Judge

28 cc: All parties