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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DONNA J. WILLARD,)	Civil No. 09cv2689 LAB (WMc)
)	
Plaintiff,)	REPORT AND RECOMMENDATION
v.)	OF UNITED STATES MAGISTRATE
)	JUDGE GRANTING PETITIONER’S
MICHAEL J. ASTRUE,)	MOTION TO PROCEED IN FORMA
)	PAUPERIS
Defendant.)	
_____)	

Donna Willard, a non-prisoner proceeding *pro se*, (hereafter “Plaintiff”) has submitted a complaint for judicial review and remedy on administrative decision under the Social Security Act. [Doc. No. 1.] Plaintiff has also filed a Motion to Proceed *In Forma Pauperis*. [Doc. No. 2.]

This Report and Recommendation is submitted to United States District Judge Larry A. Burns pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 72 (c)(1)(c) of the United States District Court for the Southern District of California. The Court has reviewed the Motion and **RECOMMENDS** that Plaintiff’s Motion be **GRANTED**.

II. PLAINTIFF’S AFFIDAVIT

A court may authorize the commencement of an action without the prepayment of fees if the party submits an affidavit, including a statement of his or her assets, showing that he or she is unable to

1 pay the requisite filing fee. 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir.
2 1999).

3 In her motion and declaration, Plaintiff reports that she is currently unemployed and has not
4 received any money in the past twelve months from any source other than supplemental security income
5 of \$845.00 per month. Plaintiff declares that she has approximately \$8.00 in her bank account, but has
6 no other assets. This declaration is sufficient to show Plaintiff is unable to pay the filing fee.

7 Accordingly, it is **RECOMMENDED** that the Court **GRANT** Plaintiff's motion to proceed *in forma*
8 *pauperis*.

9 **III. CONCLUSION**

10 For the foregoing reasons, **IT IS HEREBY RECOMMENDED** that the Court issue an Order:

- 11 (1) **GRANTING** Plaintiff's IFP Motion;
- 12 (2) Instructing the United States Marshal to serve a copy of the complaint and summons upon
13 defendants as directed by plaintiff on U.S. Marshal Form 285 and that all costs of service shall
14 be advanced by the United States;
- 15 (3) Instructing Defendant to reply to the complaint within the time provided by the applicable
16 provisions of FED. R. CIV. P. 12(a) and 42 U.S.C. § 1997e(g); and
- 17 (4) Instructing Plaintiff to serve upon defendants or, if appearance has been entered by counsel,
18 upon defendant's counsel, a copy of every further pleading or other document submitted for
19 consideration of the Court. And, noting that: (a) Plaintiff shall include with the original paper to
20 be filed with the Clerk of the Court a certificate stating the manner in which a true and correct
21 copy of any document was served on the defendants or counsel of defendants and the date of
22 service, and (b) Any paper received by a district judge or magistrate judge which has not been
23 filed with the Clerk or which fails to include a Certificate of Service will be disregarded.

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1 **IT IS ORDERED** that no later than **December 22, 2009**, any party to this action may file a
2 written objection with the Court and serve a copy on all parties. The document should be captioned
3 “Objections to Report and Recommendation.”

4 **IT IS FURTHER ORDERED** that any reply to the objections shall be filed with the Court and
5 served on all parties no later than **January 5, 2010**. The parties are advised that failure to file objections
6 within the specified time may result in a waiver of the right to raise those objections on
7 appeal of the Court’s order. *See Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *see also Martinez*
8 *v. Ylst*, 951 F.2d 1153, 1156 (9th Cir. 1991).

9 **IT IS SO ORDERED.**

10 DATED: December 8, 2009

11 

12 Hon. William McCurine, Jr.
13 U.S. Magistrate Judge
United States District Court

14 Copy to:

15 HONORABLE LARRY A. BURNS, U.S. DISTRICT JUDGE

16 ALL COUNSEL OF RECORD

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