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1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 SOUTHERN DISTRICT OF CALIFORNIA 10 11 PERCY ANDERSON, SR., CASE NO. 10cv705 WQH (WMC) 12 Plaintiff, **ORDER** VS. 13 COUNTY OF SAN DIEGO, et al., 14 Defendants. 15 HAYES, Judge: 16 17 The matter before the Court is Plaintiff's Motion for Leave to Proceed In Forma Pauperis. (Doc. #3). 18 **DISCUSSION** 19 On April 2, 2010, Plaintiff initiated this action by filing a complaint. (Doc. #1). Along 20 21 with the complaint, Plaintiff filed a Motion for Leave to Proceed *In Forma Pauperis* ("IFP") 22 and a declaration about his financial circumstances. (Doc. # 3). 23 All parties instituting a civil action, suit, or proceeding in a district court of the United States, other than a petition for writ of habeas corpus, must pay a filing fee of \$350.00. 28 24 25 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay only if the party is

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granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). See Rodriguez

v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999). "To proceed in forma pauperis is a privilege not

a right." Smart v. Heinze, 347 F.2d 114, 116 (9th Cir. 1965).

In his declaration, Plaintiff states he is unemployed. (Doc. # 3 at 2). Plaintiff states he was last employed in August of 2008 by the Zoological Society of San Diego where he made \$ 7.25 per hour. *Id.* Plaintiff has no other source of income in the past twelve months and is supported by family members. *Id.* at 2-3. Plaintiff has no significant assets or investments and does not have a checking or savings account. *Id.*

ORDER

After considering Plaintiff's motion and the accompanying declaration, the Court concludes that Plaintiff is entitled to proceed *in forma pauperis*. Accordingly, Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. # 3) is GRANTED.

The Clerk shall issue the summons, provide Plaintiff with a certified copy of both this Order and his Complaint, and forward them to Plaintiff along with a blank U.S. Marshal Form 285 for each Defendant named in his Complaint. Plaintiff shall complete the Form 285s and forward them to the United States Marshal. The U.S. Marshal serve a copy of the Complaint and summons upon Defendants as directed by Plaintiff on each U.S. Marshal Form 285. All costs of service shall be advanced by the United States. *See* 28 U.S.C. § 1915(d); FED.R.CIV.P. 4(c)(2).

Plaintiff shall serve upon Defendants or, if appearance has been entered by counsel, upon Defendants' counsel, a copy of every further pleading or other document submitted for consideration of the Court. Plaintiff shall include with the original paper to be filed with the Clerk of the Court a Certificate of Service stating the manner in which a true and correct copy of any document was served on Defendants, or counsel for Defendants, and the date of service. Any document received be the Court which has not been filed with the Clerk or which fails to include a Certificate of Service will be disregarded.

DATED: April 28, 2010

WILLIAM Q. HAYES United States District Judge