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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 JODETTE LOZANO,

12 Plaintiff,

13 vs.

14 MICHAEL J. ASTRUE, Commissioner of  
Social Security,

15 Defendant.

CASE NO. 10cv1088-WQH-BGS

**ORDER**

16 HAYES, Judge:

17 The matter before the Court is Plaintiff's motion to proceed in forma pauperis. (Doc.  
18 # 2).

19 **DISCUSSION**

20 On May 19, 2010, Plaintiff initiated this action by filing a Complaint in this Court.  
21 (Doc. # 1). On the same date, Plaintiff filed the pending motion to proceed in forma pauperis.  
22 (Doc. # 2).

23 All parties instituting a civil action, suit, or proceeding in a district court of the United  
24 States, other than a petition for writ of habeas corpus, must pay a filing fee of \$350.00. *See*  
25 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay only if the party  
26 is granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). *See Rodriguez*  
27 *v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). "To proceed in forma pauperis is a privilege not  
28 a right." *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965).

In an affidavit, Plaintiff states that she earns between \$0 and \$250 each month working

1 at the Marie Hitchcock Puppet Theater, and she receives between \$200 and \$845 a month in  
2 Social Security benefits, "depending upon [her] working schedule." (Doc. # 2 at 2). Plaintiff  
3 states that she owes \$7,125 to various individuals, and she "borrow[s] money from family and  
4 friends to make ends meet." (Doc. # 2 at 3).

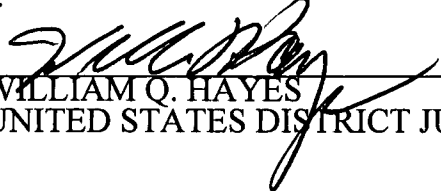
5 After considering Plaintiff's motion and affidavit, the Court determines that Plaintiff  
6 cannot afford to pay the filing fee in this case and is eligible to proceed in forma pauperis  
7 pursuant to 28 U.S.C. § 1915(a).

8 **CONCLUSION**

9 IT IS HEREBY ORDERED that Plaintiff's motion to proceed in forma pauperis is  
10 **GRANTED.** (Doc. # 2).

11 IT IS FURTHER ORDERED that all matters arising in this social security case are  
12 referred to the Honorable Bernard G. Skomal, United States Magistrate Judge, pursuant to 28  
13 U.S.C. § 636(b)(1) and Local Rule 72.1(c).

14 DATE: 5/20/10

  
WILLIAM Q. HAYES  
UNITED STATES DISTRICT JUDGE

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