

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

JOE MARTINEZ,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. 12-CV-00796-H (NLS)

**ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
LEAVE TO PROCEED IN  
FORMA PAUPERIS**

On March 30, 2012, Plaintiff Joe Martinez ("Plaintiff") filed a complaint against Defendant seeking judicial review of an administrative denial of a period of disability and disability insurance benefits under the Social Security Act. (Doc. No. 1.) Plaintiff also filed a motion for leave to proceed *in forma pauperis*. (Doc. No. 2.)

**I. Motion to Proceed *In Forma Pauperis***

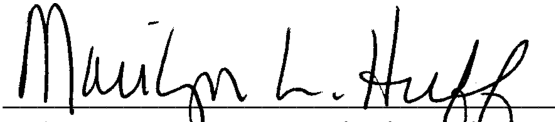
Pursuant to 28 U.S.C. § 1915(a), a court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of all his assets, showing that he is unable to pay filing fees. See 28 U.S.C. § 1915(a). Plaintiff has submitted an affidavit which sufficiently shows that he lacks the financial resources to pay the filing fee. (Doc. No. 2.) The Court, for good cause shown, GRANTS the motion to proceed *in forma pauperis*.

The Clerk is directed to issue a summons as to Plaintiff's complaint (Doc. No. 1) upon Defendant and forward it to Plaintiff along with blank U.S. Marshal Form 285s. Additionally,

1 the Clerk is directed to provide Plaintiff with a certified copy of this Order and a certified copy  
2 of his complaint and the summons for purposes of serving Defendant. Upon receipt of this  
3 “IFP Package,” Plaintiff is directed to complete the Form 285s as completely and accurately  
4 as possible, and to return them to the United States Marshal according to the instructions  
5 provided by the Clerk in the letter accompanying the IFP Package. Thereafter, the Court  
6 orders the U.S. Marshal to serve a copy of the complaint and summons upon Defendant as  
7 directed by Plaintiff on the USM Form 285s. All costs of service are to be advanced by the  
8 United States. See 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3). After proper service, the  
9 Court ORDERS Defendant to reply to Plaintiff’s complaint within the time provided by the  
10 applicable provisions of Federal Rule of Civil Procedure 12(a).

11 **IT IS SO ORDERED.**

12 Dated: April 6, 2012

13   
14 MARILYN L. HUFF, District Judge  
15 UNITED STATES DISTRICT COURT  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28