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

MONIQUE CANDOR,

 Plaintiff,

 vs.

UNITED STATES OF AMERICA,

 Defendant.

CASE NO. 13-CV-1044-LAB-WMC

**ORDER DENYING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS**

Monique Candor filed this case on May 1, 2013. Now pending is her Motion to Proceed IFP.

All parties instituting a civil action in a district court of the United States, except for habeas petitioners, must pay a filing fee of \$350. See 28 U.S.C. § 1914(a). A party is excused from paying the fee, however, if the Court grants leave to proceed IFP pursuant to 28 U.S.C. 1915(a). See *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Circuit 1999). To proceed IFP, a plaintiff doesn't need to prove that she's absolutely destitute, but she does need to show that, because of her poverty, she cannot provide the filing fee and still provide her dependants with the necessities of life. See *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339–40 (1948).

Candor hasn't made this showing. She is certainly struggling professionally and financially, but she indicates that she is receiving \$3,000 per month from a former law client. She also has enough money in the bank and cash in her pocket to pay the filing fee, a car

1 worth \$9,000, and certain debts and obligations that don't necessarily deserve priority over
2 the Court's filing fee. It may well be a hardship for Ms. Candor to pay the filing fee, but
3 hardship alone isn't enough to litigate in federal court for free.

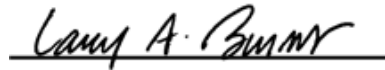
4 The motion to proceed IFP is **DENIED WITHOUT PREJUDICE**. Ms. Candor may file
5 an amended IFP motion within two weeks of the date this Order is entered, or she may pay
6 the filing fee and begin litigating this case in earnest.

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8 **IT IS SO ORDERED.**

9 DATED: May 12, 2013

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HONORABLE LARRY ALAN BURNS
United States District Judge

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cc: **Petitioner/Plaintiff, Pro Se**

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