Rafo v. Mihalco et al 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 SOUTHERN DISTRICT OF CALIFORNIA 9 10 ELIAS BAHOO RAFO ALKAS Case No. 3:13-cv-2364-GPC-RBB 11 MATTI. ORDER GRANTING MOTION 12 Plaintiff, FOR LEAVE TO PROCEED IN **FORMA PAUPERIS** 13 GEORGE MIHALCO, Los Angeles Asylum Office Director, U.S. (ECF NO. 2) 14 Citizenship and Immigration Services; 15 RAND BEERS, Acting Secretary, U.S. Department of Homeland Security; ERIC H. HOLDER, U.S. Attorney 16 General, 17 18 Defendants. 19 On October 1, 2013, Plaintiff, through counsel, filed a complaint for relief in the 20 21 22 23 24

nature of mandamus. (ECF No. 1.) Specifically, Plaintiff seeks a writ of mandamus compelling Defendants to process his application for asylum, which Plaintiff alleges has been pending and ready for adjudication for more than a year. Along with his Complaint, Plaintiff filed a motion for leave to proceed in forma pauperis ("IFP Motion"). (ECF No. 2.)

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All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for writ of habeas corpus, must pay a filing fee of \$350. See 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure

Doc. 4

to prepay the entire fee only if the plaintiff is 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). A court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of all of his or her assets, showing that he or she is unable to pay the fees. See 28 U.S.C. §1915(a).

In support of his IFP Motion, Plaintiff declares he is seventy-four years old and that has not worked since 1991. Plaintiff declares that he has no sources of income or assets and that he relies entirely on his son (who Plaintiff alleges has already been granted asylee status) for financial support. Plaintiff declares that he has no debts or other obligations. Based on the foregoing, the Court finds Plaintiff has sufficiently demonstrated his inability to pay the required filing fee. Accordingly, Plaintiff's IFP Motion is **GRANTED**.

DATED: October 3, 2013

HON. GONZALO P. CURIE United States District Judge