

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**

RALPH BACHLI,

Plaintiff,

vs.

CAROLYN W COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 13CV2500-GPC-BLM

ORDER

**(1) GRANTING PLAINTIFF'S
MOTION TO PROCEED IFP;**

**(2) REFERRING MATTER TO
MAGISTRATE JUDGE FOR
REPORT AND
RECOMMENDATION**

[Dkt. No. 2]

On October 16, 2013, Plaintiff Ralph Bachli ("Plaintiff") filed a motion to proceed *in forma pauperis* ("IFP") under 28 U.S.C. § 1915(a). (Dkt. No. 2.) For the following reasons, the Court **GRANTS** Plaintiff's motion to proceed IFP.

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 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). The benefit of proceeding *in forma pauperis* is a privilege, not a right. See Franklin v. Murphy, 745 F.2d 1221, 1231 (9th Cir. 1984). A court may authorize the commencement of a suit without prepayment of fees if the plaintiff

1 submits an affidavit, including a statement of all of his or her assets, showing that he
2 or she is unable to pay the fees. See 28 U.S.C. § 1915(a).

3 Here, Plaintiff submitted an application and affidavit stating his assets. (Dkt.
4 No. 2.) Plaintiff asserted that he is not presently employed, receives \$200.00 per
5 month in food stamps, has a checking account with a current balance of \$10.00, and has
6 no savings. (Id.) Plaintiff states that he has debt consisting of \$60,000 in student loans
7 and \$30,000 in credit card debt and relies on his parents to cover payments for his
8 student loans and pay his rent; however, the amount of rent is not stated. (Id.) Plaintiff
9 further asserts that he has no automobile, real estate, or any other assets. (Id.)

10 On consideration of Plaintiff's affidavit, Plaintiff has sufficiently demonstrated
11 that he is unable to pay the required filing fee and meets the requirements to proceed
12 IFP. Therefore, the Court **GRANTS** Plaintiff's motion to proceed IFP.

13 **IT IS FURTHER ORDERED** that all matters arising in this social security
14 appeal are referred to the Honorable Barbara Lynn Major, for report and
15 recommendation pursuant to section 636(b)(1)(B) of Title 28 of the United States Code
16 and Civil Local Rule 72.1. See 28 U.S.C. § 636(b)(1)(B); S.D. Cal. Civ. L. R. 72.1.

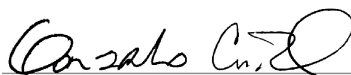
17

18 **IT IS SO ORDERED.**

19

20 **DATED: October 23, 2013**

21


HON. GONZALO P. CURIEL
United States District Judge

22

23

24

25

26

27

28