UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

MOHAMMAD NASSIRI, *et al.*,

Plaintiffs,

vs.

CAROLYN W. COLVIN, Commissioner of Social Security, Social Security Administration; SSA AGENT NICK; SSA-AGENT 2, and OTHER SSA ARMED AGENTS,

Defendants.

CASE NO. 15cv0583-WQH-NLS

ORDER

HAYES, Judge:

On March 14, 2015, Plaintiffs Mohammad Nassiri, Anh Thai, Diep Thi Nguyen, and Ahmed Mohamed Jeylani commenced this action by filing a Complaint (ECF No. 1), naming Carolyn Colvin, "SSA Agent Nick," and "SSA-Agent 2" as Defendants, and motions to proceed in forma pauperis (ECF No. 2, 3, 4, 5). On April 6, 2015, the Court granted Plaintiffs' motions to proceed IFP. (ECF No. 7). On May 12, 2015, Plaintiffs filed the First Amended Class Action Complaint, dropping Ahmed Mohamed Jeylani and joining Tho Van Ha, Duc Huynh, Don Doan, Tommy Nguyen, Trai Chau, Hoi Cuu Quan Nhan VNCH as Plaintiffs. (ECF No. 15).

All parties instituting a civil action, suit, or proceeding in a district court of the United States, other than a petition for writ of habeas corpus, must pay a filing fee of $400.00. *See* 28 U.S.C. § 1914(a); S.D. Cal. Civ. L.R. 4.5. An action may proceed

despite a party's failure to pay only if the party 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). "To proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965).

"[A]lthough only one filing fee needs to be paid per case, if multiple plaintiffs seek to proceed *in forma pauperis*, each plaintiff must qualify for IFP status." *Anderson v. California*, No. 10 CV 2216, 2010 WL 4316996, at *1 (S.D. Cal. Oct. 27, 2010); *see also Darden v. Indymac Bancorp, Inc.*, No. 12cv3067, 2009 WL 5206637, at *1 (E.D. Cal. Dec. 23, 2009) ("Where there are multiple plaintiffs in a single action, the plaintiffs may not proceed in forma pauperis unless all of them demonstrate inability to pay the filing fee."). "Courts have discretion to impose partial filing fees under the in forma pauperis statute." *Olivares v. Marshall*, 59 F.3d 109, 110 (9th Cir. 1995).

Tho Van Ha, Duc Huynh, Don Doan, Tommy Nguyen, Trai Chau, and Hoi Cuu Quan Nhan VNCH have not paid the filing fee or filed motions to proceed *in forma pauperis*.

This Order constitutes notice that all claims asserted by Tho Van Ha, Duc Huynh, Don Doan, Tommy Nguyen, Trai Chau, and Hoi Cuu Quan Nhan will be dismissed unless, within **ten (10) days** of this Order: (1) Plaintiffs pay the $400.00 filing fee; or (2) these individuals file motions to proceed *in forma pauperis*.

DATED: August 20, 2015

WILLIAM Q. HAYES
United States District Judge