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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 Nida Escobar Agsaoay,

12 Plaintiff,

13 v.

14 Commissioner of Social Security,

15 Defendant.

Case No.: 15-CV-2728-GPC-NLS

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

(ECF No. 2)

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17 Before the Court is Plaintiff's Motion for Leave to Proceed in Forma Pauperis.
18 (ECF No. 2).

19 **BACKGROUND**

20 On December 04, 2015, Plaintiff Nida Escobar Agsaoay's, with counsel, initiated
21 this action by filing a Complaint seeking review of the Social Security Commissioner's
22 decision. (ECF No. 1). On that same day, Plaintiff filed the Motion for Leave to Proceed
23 In Forma Pauperis. (ECF No. 2).

24 **DISCUSSION**

25 Any party instituting any civil action, suit or proceeding in a district court of the
26 United States, except an application for writ of habeas corpus, must pay a filing fee of
27 \$400. 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to prepay
28 the entire fee only if the plaintiff is granted leave to proceed in forma pauperis pursuant

1 to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999).

2 In her declaration accompanying the Motion to Proceed in Forma Pauperis,
3 Plaintiff states that she is unemployed, she receives \$151 per month in food stamps, and
4 her husband receives Navy retirement benefit (DFAS) of \$1133.87 a month. Plaintiff
5 maintains a checking account with a current balance of \$25.00 and a joint savings
6 account with her husband with a current balance of \$34.00. She owns a Ford Explorer
7 (1996) and does not have any other significant assets such as real estate, stocks, bonds, or
8 securities. Plaintiff takes care of her son and also owes \$3568.10 in debt. (ECF No. 2 at
9 2–3).

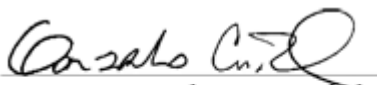
10 The Court has reviewed Plaintiff’s declaration of assets and finds it is sufficient to
11 show that Plaintiff is unable to pay the fees or post securities required to maintain this
12 action.

13 **CONCLUSION**

14 Plaintiff’s Motion for Leave to Proceed in Forma Pauperis is **GRANTED**. (ECF
15 No. 2).

16 **IT IS SO ORDERED.**

17 Dated: February 8, 2016

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19 Hon. Gonzalo P. Curiel
20 United States District Judge
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