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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TIFFANY DEHEN,

Plaintiff,

v.

JOHN DOE; TWITTER, INC.;
UNIVERSITY OF SAN DIEGO,

Defendants.

Case No.: 3:17-cv-00198-BEN-WVG

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

[ECF No. 11]

On March 15, 2017, this Court denied Plaintiff’s motion to proceed in forma pauperis (“IFP”) because her IFP application lacked complete information about her monthly income. The Court provided Plaintiff a new IFP application and granted her leave to either pay the applicable filing fee or file a renewed motion to proceed IFP within 21 days. Plaintiff subsequently filed an “In Forma Pauperis Decision Appeal” (ECF No. 5), and later, a “Motion to Accept Late In Forma Pauperis Renewed Application” (ECF No. 11). Her second motion includes a completed IFP application and explains that she filed her first motion incorrectly. Upon consideration of Plaintiff’s IFP application and the law, the Court **DENIES** Plaintiff’s request to proceed IFP.

All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for a writ of habeas corpus, must pay a filing fee. 28

1 U.S.C. § 1914(a). An action may proceed despite a plaintiff’s failure to prepay the entire
2 fee only if he or she is granted leave to proceed IFP pursuant to 28 U.S.C. § 1915(a).
3 Under 28 U.S.C. § 1915(a)(1),

4 [A]ny court of the United States may authorize the commencement,
5 prosecution or defense of any suit, action or proceeding . . . without
6 prepayment of fees or security therefor, by a person who submits an affidavit
7 that includes a statement of all assets such [person] possesses that the person
is unable to pay such fees or give security therefor.

8 A party “need not be absolutely destitute to obtain benefits of the in forma pauperis
9 statute.” *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960). “But ‘the same
10 even-handed care must be employed to assure that federal funds are not squandered to
11 underwrite, at public expense, either frivolous claims or the remonstrances of a suitor
12 who is financially able, in whole or in material part, to pull his own oar.’” *Anderson v.*
13 *California*, No. 10-cv-2216 MMA (AJB), 2010 WL 5056019, at *1 (S.D. Cal. Dec. 6,
14 2010) (internal citation omitted). Thus, a court may deny IFP status to an applicant who
15 can pay the filing fee with acceptable sacrifice to other expenses. *Greene v. Rodriguez*,
16 No. 07-cv-1888 W (BLM), 2008 WL 816797 (S.D. Cal. Mar. 24, 2008).

17 Plaintiff is a recent law school graduate and has no dependents. In Plaintiff’s
18 application, she admits to receiving approximately \$1,900 in income each month during
19 the past twelve months. (ECF No. 11 at p. 7 § 1.) In 2016, while in law school, she
20 earned approximately \$22,000. (*Id.* at p. 17.) She attests that she has continuously
21 worked since the age of 16. (*Id.* at pp. 13-14 ¶ 2.) Although she states that she does not
22 expect to receive any income next month (*Id.* at p. 7 ¶ 1), she also states that she is self-
23 employed (*id.* at p. 8 § 2, p. 11 ¶ 1). Plaintiff has total monthly expenses of
24 approximately \$2,000. Those expenses include \$950 in rent, \$140 in utilities, \$250 for
25 food, \$20 for laundry and dry cleaning, \$20 for medical and dental expenses, \$70 for
26 transportation, \$20-40 for taxes, \$100-250 for business operation expenses, and \$500 in
27 credit card payments. (*Id.* at pp. 10-11 § 8.)

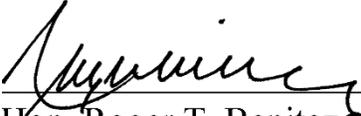
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1 Plaintiff has not established entitlement to in forma pauperis status. As a graduate
2 of both college and law school, Plaintiff is the type of plaintiff capable of “pull[ing] [her]
3 own oar.” *Anderson*, 2010 WL 5056019, at *1. Indeed, Plaintiff admits that she has
4 maintained employment since the age of 16. Although she states that her future income
5 is unknown and she has credit card debt, Plaintiff earned double the poverty level for an
6 individual in 2016 and has a demonstrated ability to earn a living. *See* 2016 Health &
7 Human Servs. Guidelines, *available at* [https://www.federalregister.gov/documents/
8 2016/01/25/2016-01450/annual-update-of-the-hhs-poverty-guidelines](https://www.federalregister.gov/documents/2016/01/25/2016-01450/annual-update-of-the-hhs-poverty-guidelines) (last visited Apr.
9 20, 2017).

10 Accordingly, the Court finds that Plaintiff is not indigent within the meaning of the
11 IFP statute and **DENIES** her request to proceed IFP. *See, e.g., Ross v. San Diego Cnty.*,
12 No. 08-cv-0107 BEN (RBB), 2008 WL 440413, at *1 (S.D. Cal. Feb. 14, 2008) (denying
13 IFP status to unemployed plaintiff with “significant debt” who received disability
14 payments of approximately \$2,100 a month). Plaintiff’s other pending motions are
15 **DENIED** as moot. (ECF Nos. 5, 13.) The Complaint is **DISMISSED** without prejudice
16 and may be re-opened if Plaintiff pays the required filing fee within **45 days** of the
17 signature date of this Order.

18 **IT IS SO ORDERED.**

19 Dated: April 24, 2017

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21 Hon. Roger T. Benitez
22 United States District Judge
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