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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 EUGENE ANGELO HARRIS JR.,
12 Plaintiff,
13 v.
14 COUNTY OF SAN DIEGO
15 PROBATION DEPARTMENT,
16 Defendant.

Case No.: 17cv234 LAB (RBB)

**ORDER GRANTING PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS [ECF NO. 2]**

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18 On February 7, 2017, Plaintiff Eugene Angelo Harris Jr. (“Plaintiff”), commenced
19 this action against Defendant County of San Diego Probation Department. (Compl. 1,
20 ECF No. 1.) On the same day, Plaintiff also filed an “Application to Proceed in District
21 Court Without Prepaying Fees or Costs” (the “Motion to Proceed in Forma Pauperis”)
22 [ECF No. 2]. For the reasons explained below, the Motion to Proceed in Forma Pauperis
23 is **GRANTED**.

24 All parties instituting any civil action, suit, or proceeding in a district court of the
25 United States, except an application for writ of habeas corpus, must pay a filing fee of
26 \$400. See 28 U.S.C.A. § 1914(a) (West 2006). An action may proceed despite a
27 plaintiff’s failure to prepay the entire fee only if the plaintiff is granted leave to proceed
28 in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1) (West 2006). See Rodriguez v.

1 Cook, 169 F.3d 1176, 1177 (9th Cir. 1999). All actions sought to be filed in forma
2 pauperis under 28 U.S.C. § 1915 must be accompanied by an affidavit signed by the
3 applicant under penalty of perjury that includes a statement of all assets showing inability
4 to pay initial fees or give security. 28 U.S.C.A. § 1915(a)(1); S.D. Cal. Civ. R. 3.2(a).

5 Here, Plaintiff has submitted an affidavit stating that he is currently unemployed.
6 (See Mot. Proceed in Forma Pauperis 2, ECF No. 2.) He receives \$883.84 each month in
7 disability benefits, (id.), but has received no other income or benefits from any other
8 source in the past twelve months, (id. at 1). He does not own a car or any real property.
9 (Id. at 3.)

10 Based on the declaration regarding his current financial resources, Plaintiff has
11 sufficiently shown that he cannot pay the filing fee because of his poverty. Adkins v. E.I.
12 DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948). Because Harris has satisfied
13 the requirements of 28 U.S.C. § 1915(a), his Motion to Proceed in Forma Pauperis is
14 **GRANTED.**

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16 Dated: February 21, 2017

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18 Hon. Ruben B. Brooks
19 United States Magistrate Judge
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