

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**

HALA NIMRY,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

CASE NO. 17CV0956 GPC RBB

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

[Dkt. No. 2]

**Background**

Plaintiff, Hala Nimry, with counsel, has filed a complaint requesting judicial review of the Commissioner’s decision denying Plaintiff’s claims for disability insurance benefits and supplemental security income under Title II & XVI of the Social Security Act. Dkt. No. 1. Plaintiff did not prepay the civil filing fee required by 28 U.S.C. § 1914(a) at the time of the filing, but instead filed a Motion to Proceed in Forma Pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. For the following reasons, the Court **GRANTS** Plaintiff’s motion to proceed IFP.

////

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

**Discussion**

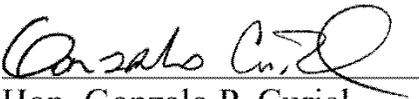
All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for writ of habeas corpus, must pay a filing fee of \$400. *See* 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff’s failure to prepay the entire fee only if he is granted leave to proceed IFP pursuant to 28 U.S.C. § 1915(a). *See Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). A court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of all of his or her assets, showing that he or she is unable to pay the fees. *See* 28 U.S.C. §1915(a). Such an affidavit must include a complete statement of the plaintiff’s assets. *See id.*

Here, Plaintiff submitted a declaration reporting that she is not presently employed and that she has not worked since 2013. Dkt. No. 2 at 2. She receives public assistance, retirement income, and other monetary contributions from family for a total monthly income of \$3,220. *Id.* at 1-2. Plaintiff adds she has \$4.00 in her checking account, she owns a car worth around \$1,500.00, and she does not own any real estate. *Id.* at 2-3. Plaintiff’s monthly expenses, which include rent, utilities, food, transportation and motor vehicle insurance, amount to approximately \$2,775. *Id.* at 4-5. Because Plaintiff lacks substantial assets and because her expenses nearly equal her total monthly income, she has sufficiently demonstrated that she is unable to pay the required filing fee and that she meets the requirements to proceed IFP.

**Conclusion**

Plaintiff’s Motion for Leave to Proceed in Forma Pauperis is **GRANTED**.  
**IT IS SO ORDERED.**

Dated: May 31, 2017

  
Hon. Gonzalo P. Curiel  
United States District Judge