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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SORAYA BARKZAI,  
  
Plaintiff,  
  
v.  
  
NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,  
  
Defendant.

Case No.: 17-CV-1692 W (MDD)

**ORDER GRANTING MOTION TO  
PROCEED IN FORMA PAUPERIS  
[DOC. 2] AND REFERRING TO  
MAGISTRATE FOR REPORT &  
RECOMMENDATION**

Plaintiff Soraya Barkzai filed this action on August 22, 2017, seeking review of the denial of her application for supplemental security income benefits under the Social Security Act. (*Compl.* [Doc. 1].) She thereafter filed the pending motion to proceed *in forma pauperis* (“IFP”) under 28 U.S.C. § 1915. (*Pl.’s Mot.* [Doc. 2].)

The Court decides the matter on the papers submitted. For the reasons outlined below, the Court **GRANTS** the IFP motion. [Doc. 2.]

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1 **I. LEGAL STANDARD**

2 The determination of indigency falls within the district court’s discretion.  
3 California Men’s Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991), *reversed on*  
4 *other grounds*, 506 U.S. 194 (1993) (“Section 1915 typically requires the reviewing court  
5 to exercise its sound discretion in determining whether the affiant has satisfied the  
6 statute’s requirement of indigency.”).

7 It is well-settled that a party need not be completely destitute to proceed in forma  
8 pauperis. See Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339–40 (1948).  
9 To satisfy the requirements of 28 U.S.C. § 1915(a), “an affidavit [of poverty] is sufficient  
10 which states that one cannot because of his poverty pay or give security for costs . . . and  
11 still be able to provide himself and dependents with the necessities of life.” Id. at 339  
12 (internal quotations omitted). At the same time, however, “the same even-handed care  
13 must be employed to assure that federal funds are not squandered to underwrite, at public  
14 expense, . . . the remonstrances of a suitor who is financially able, in whole or in material  
15 part, to pull his own oar.” Temple v. Ellerthorpe, 586 F. Supp. 848, 850 (D.R.I. 1984).  
16 “[T]he greater power to waive all fees includes the lesser power to set partial fees.”  
17 Olivares v. Marshall, 59 F.3d 109, 111 (9th Cir. 1995).

18 The facts as to the affiant’s poverty must be stated “with some particularity,  
19 definiteness, and certainty.” United States v. McQuade, 647 F.2d 938, 940 (9th Cir.  
20 1981). District courts tend to reject IFP applications where the applicant can pay the  
21 filing fee with acceptable sacrifice to other expenses. See, e.g., Allen v. Kelly, 1995 WL  
22 396860 at \*2 (N.D. Cal. 1995) (initially permitting Plaintiff to proceed in forma pauperis  
23 but later requiring him to pay \$120 filing fee out of \$900 settlement proceeds); Ali v.  
24 Cuyler, 547 F. Supp. 129, 130 (E.D. Pa. 1982) (“[P]laintiff possessed savings of \$450  
25 and the magistrate correctly determined that this amount was more than sufficient to  
26 allow the plaintiff to pay the filing fee in this action . . . .”). Permission to proceed IFP is  
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1 “a matter of privilege and not right[.]” Franklin v. Murphy, 745 F.2d 1221, 1231 (9th Cir.  
2 1984), and “ ‘in forma pauperis status may be acquired and lost during the course of  
3 litigation.’ ” Baize v. Lloyd, 2014 WL 6090324, at \*1 (S.D. Cal. Nov. 13, 2014)  
4 (quoting Wilson v. Dir. of Div. of Adult Insts., 2009 WL 311150, at \*2 (E.D. Cal. Feb. 9,  
5 2009)).

## 6 7 **II. DISCUSSION**

8 Barkzai has satisfied her burden of demonstrating that she is entitled to IFP status.  
9 According to her declaration, she has no income except food stamps and “cash aid,”  
10 which total \$430/month and \$500/month, respectively. (*Pl. ’s Mot.* [Doc. 2] 1–2.) She  
11 has not been employed in the past two years. (*See id.* [Doc. 2] 2.) Barkzai declares that  
12 she does not have any funds in bank accounts, nor any other valuable assets. (*See id.*  
13 [Doc. 2] 2–3.) She declares monthly expenses totaling \$1,650. (*See id.* [Doc. 2] 4–5.)  
14 Two minor children depend on her for support. (*See id.* [Doc. 2] 3.)

15 The filing fee for an ordinary civil action is \$400. Based on the foregoing, Barkzai  
16 has demonstrated that she lacks the means to pay the filing fee without sacrificing the  
17 necessities of life. See Adkins, 335 U.S. at 339–40. Accordingly, Barkzai demonstrates  
18 entitlement to IFP status. See 28 U.S.C. § 1915.

## 19 20 **III. CONCLUSION & ORDER**

21 For the reasons addressed above, the Court **GRANTS** Plaintiff’s motion to proceed  
22 IFP. [Doc. 2.] In light of the Court’s ruling on the IFP motion, the Court orders as  
23 follows:

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