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

CRICKET S. BROWN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 17cv2222-WQH-WVG

ORDER

HAYES, Judge:

On October 31, 2017, Plaintiff initiated this action by filing a complaint challenging a decision of the Commissioner of Social Security (ECF No. 1) and a motion to proceed in forma pauperis (ECF No. 2).

All parties instituting a civil action, suit, or proceeding in a district court of the United States, other than a petition for writ of habeas corpus, must pay a filing fee of \$400.00. *See* 28 U.S.C. § 1914(a); S.D. Cal. Civ. L.R. 4.5. An action may proceed despite a party's failure to pay only if the party is granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). All actions sought to be filed in forma pauperis pursuant to 28 U.S.C. § 1915 must be accompanied by an affidavit which includes a statement of all assets and demonstrates an inability to pay initial fees or give security. 28 U.S.C. § 1915(a)(1); CivLR 3.2(a). "To proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965).

1 In the affidavit accompanying the motion to proceed in forma pauperis, Plaintiff
2 states that she is unable to pay the costs of these proceedings. The affidavit
3 demonstrates that Plaintiff is unemployed and that disability benefits provide her only
4 source of income. Plaintiff's total monthly expenses, including extensive medical costs,
5 are greater than her total monthly income. After considering Plaintiff's motion and
6 affidavit, the Court determines that Plaintiff cannot afford to pay the filing fee in this
7 case and is eligible to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

8 IT IS HEREBY ORDERED that the motion to proceed in forma pauperis
9 is GRANTED. (ECF No. 2)

10 IT IS FURTHER ORDERED that all matters arising in this social security case
11 are referred to the Honorable William V. Gallo, United States Magistrate Judge,
12 pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c).

13 DATED: November 16, 2017

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15 **WILLIAM Q. HAYES**
16 United States District Judge
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