



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 TRAVIS MORGAN,

12 Plaintiff,

13 v.

14 NANCY BERRYHILL, Acting
15 Commissioner, Social Security
16 Administration,

17 Defendant.

Case No.: 17cv2227-LAB(KSC)

**ORDER GRANTING PLAINTIFF'S
APPLICATION TO PROCEED IN
DISTRICT COURT WITHOUT
PREPAYING FEES OR COSTS**

[Doc. No. 7]

20 Plaintiff recently filed a Complaint alleging that defendant Social Security
21 Administration failed to comply with its obligations under the Freedom of Information
22 Act, 5 U.S.C. § 552. [Doc. No. 1, at pp. 1-3.] Along with his Complaint, plaintiff filed a
23 form and affidavit entitled "Application to Proceed in District Court Without Prepaying
24 Fees or Costs" indicating he is entitled to proceed in the action *in forma pauperis*. [Doc.
25 No. 7.]

26 A court may authorize the commencement of a suit without prepayment of fees if
27 the plaintiff submits an affidavit, including a statement of all his or her assets, showing
28 that he or she is unable to pay the filing fee. See 28 U.S.C. § 1915(a). The affidavit must

1 “state the facts as to [the] affiant's poverty with some particularity, definiteness and
2 certainty.” *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir.1981) (internal
3 quotations omitted).

4 A party need not be completely destitute to proceed *in forma pauperis*. *Adkins v.*
5 *E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339–340 (1948). An affidavit is sufficient
6 if it shows that the applicant cannot pay the fee “and still be able to provide himself [or
7 herself] and dependents with the necessities of life.” *Id.* (internal quotations omitted).

8 Here, plaintiff’s affidavit states that he is disabled by a progressive and incurable
9 disease and his only income is \$194 in public assistance. [Doc. No. 7, at p. 2, 5.] The
10 affidavit also indicates that plaintiff’s basic living expenses exceed his income. Plaintiff
11 has no property and only a small amount of cash. [Doc. No. 7, at pp. 1-5.] Therefore, the
12 Court finds that plaintiff has submitted an affidavit which sufficiently shows that he lacks
13 the financial resources to pay his filing fee. Accordingly,

14 IT IS HEREBY ORDERED THAT plaintiff’s Application to Proceed with his
15 Complaint *in forma pauperis* is GRANTED. [Doc. No. 7.]

16 Dated: December 7, 2017



Hon. Karen S. Crawford
United States Magistrate Judge