



1 to exercise its sound discretion in determining whether the affiant has satisfied the  
2 statute’s requirement of indigency.”).

3 It is well-settled that a party need not be completely destitute to proceed in forma  
4 pauperis. Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948). To  
5 satisfy the requirements of 28 U.S.C. § 1915(a), “an affidavit [of poverty] is sufficient  
6 which states that one cannot because of his poverty pay or give security for costs ... and  
7 still be able to provide himself and dependents with the necessities of life.” *Id.* at 339.  
8 At the same time, however, “the same even-handed care must be employed to assure that  
9 federal funds are not squandered to underwrite, at public expense, ... the remonstrances of  
10 a suitor who is financially able, in whole or in material part, to pull his own oar.” Temple  
11 v. Ellerthorpe, 586 F.Supp. 848, 850 (D.R.I. 1984).

12 District courts, therefore, tend to reject IFP applications where the applicant can  
13 pay the filing fee with acceptable sacrifice to other expenses. *See, e.g., Stehouwer v.*  
14 Hennessey, 851 F.Supp. 316, (N.D.Cal. 1994), *vacated in part on other grounds,*  
15 Olivares v. Marshall, 59 F.3d 109 (9th Cir. 1995) (finding that district court did not  
16 abuse discretion in requiring partial fee payment from prisoner with \$14.61 monthly  
17 salary and \$110 per month from family); Allen v. Kelly, 1995 WL 396860 at \*2 (N.D.  
18 Cal. 1995) (Plaintiff initially permitted to proceed in forma pauperis, later required to pay  
19 \$120 filing fee out of \$900 settlement proceeds); Ali v. Cuyler, 547 F.Supp. 129, 130  
20 (E.D. Pa. 1982) (in forma pauperis application denied: “plaintiff possessed savings of  
21 \$450 and the magistrate correctly determined that this amount was more than sufficient to  
22 allow the plaintiff to pay the filing fee in this action.”). Moreover, the facts as to the  
23 affiant’s poverty must be stated “with some particularity, definiteness, and certainty.”  
24 United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981).

25 Having read and considered the papers submitted, the Court finds that based on the  
26 current record, Plaintiff meets the requirements for IFP status under 28 U.S.C. § 1915.  
27 According to her declaration, Plaintiff does not have sufficient income to support herself,  
28 and lives with the mother of her fiancé, who recently passed away. (*IFP App.* [Doc. 3] ¶

1 6.) Plaintiff has also shown that she does not currently have any possessions of  
2 significant value. Therefore, Plaintiff's IFP motion will be granted.

3  
4 **II. CONCLUSION & ORDER**

5 For the reasons addressed above, the Court **GRANTS** Plaintiff's motion to proceed  
6 IFP [Doc. 3]. In light of the Court's ruling on the IFP motion, the Court orders as  
7 follows:

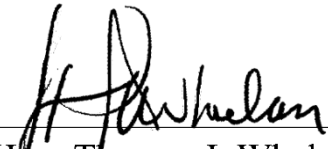
- 8 1. The United States Marshal shall serve a copy of the Complaint filed on  
9 November 3, 2017 and an accompanying summons upon Defendants as  
10 directed by Plaintiff on U.S. Marshal Form 285. All costs of service shall be  
11 advanced by the United States.
- 12 2. Defendant shall respond to the Complaint within the time provided by the  
13 applicable provisions of the Federal Rules of Civil Procedure.

14 Additionally, the Court hereby **REFERS** all matters arising in this case to United  
15 States Magistrate Judge Karen S. Crawford for a Report & Recommendation in  
16 accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1(c)(1)(c).

17 If the parties seek to file motions, they shall contact the chambers of Judge  
18 Crawford to secure scheduling, filing, and hearing dates. All motion(s) for summary  
19 judgment must be filed and served no later than 120 days after the Government files its  
20 answer.

21 **IT IS SO ORDERED.**

22 Dated: November 14, 2017

23  
24   
25 Hon. Thomas J. Whelan  
United States District Judge