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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MARGARET NOYES WEBB,
12 Plaintiff,
13 v.
14 COMMISSIONER OF SOCIAL
15 SECURITY,
16 Defendant.

Case No.: 3:17-cv-02298-GPC-KSC

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS**

[ECF No. 2]

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18 Plaintiff filed this suit on November 13, 2017, challenging “an adverse decision”
19 by the Commissioner of Social Security. (ECF No. 1 at 1.) On the same day, Plaintiff
20 filed a motion for leave to proceed *in forma pauperis* (“IFP”). (ECF No. 2.)

21 All parties instituting any non-habeas “civil action, suit, or proceeding” in a federal
22 district court must pay a filing fee of \$400. *See* 28 U.S.C. § 1914(a).¹ An action may
23 proceed despite a plaintiff’s failure to prepay the entire fee only if the plaintiff is granted
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26 ¹ In addition to the \$350 statutory fee, civil litigants must pay an additional administrative fee of \$50. *See*
27 28 U.S.C. § 1914(a) (Judicial Conference Schedule of Fees, District Court Misc. Fee Schedule, § 14 (eff.
28 Dec. 1, 2016)). The additional \$50 administrative fee does not apply to persons granted leave to proceed
IFP. *Id.*

1 leave to proceed IFP under § 1915(a). *See Andrews v. Cervantes*, 493 F.3d 1047, 1051
2 (9th Cir. 2007). The plaintiff must submit an affidavit demonstrating her inability to pay
3 the filing fee and including a complete statement of the plaintiff's assets. 28 U.S.C.
4 § 1915(a)(1).

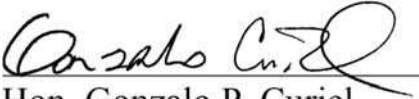
5 According to Plaintiff's affidavit, she has not been employed since 2010. (ECF
6 No. 2 at 2.) Her income consists of \$192 per month in food stamps. (*Id.*) She currently
7 has \$6.74 in a checking account and \$5.65 in a savings account. (*Id.*) She owns a 2004
8 Kia vehicle and has a shared interest in a 2009 Volvo vehicle. (*Id.* at 2–3.) When asked
9 to explain the sources of funds for her day-to-day expenses, Plaintiff indicates that she
10 lives with a friend who pays household expenses. (*Id.* at 3.)

11 Based on the information above, the Court concludes that Plaintiff cannot afford
12 the filing fee for this action. The Court therefore **GRANTS** Plaintiff's motion for leave
13 to proceed *in forma pauperis*.

14 **IT IS HEREBY ORDERED** that the Clerk of Court shall issue a summons as to
15 Plaintiff's Complaint (ECF No. 1) upon Defendant and shall forward it to Plaintiff along
16 with a blank U.S. Marshal Form 285 for the Defendant. In addition, the Clerk shall
17 provide Plaintiff with a certified copy of this Order and a certified copy of her Complaint
18 and the summons so that she may serve the Defendant. Upon receipt of this "IFP
19 Package," Plaintiff is directed to complete the Form 285 as completely and accurately as
20 possible, and to return them to the United States Marshal according to the instructions
21 provided by the Clerk in the letter accompanying his IFP package. Upon receipt, the U.S.
22 Marshal shall serve a copy of the Complaint and summons upon the Defendant as
23 directed by Plaintiff on the USM Form 285. All costs of service shall be advanced by the
24 United States. *See* 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3).

25 **IT IS SO ORDERED.**

26 Dated: November 15, 2017

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28 Hon. Gonzalo P. Curiel
United States District Judge