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

CHARLOTTE WILLIAMS, Plaintiffs, v. HARRY HECKEL AND THE VFK FAMILY LIMITED PARTNERSHIP, dba VILLA MOROCCO APARTMENTS, et al., Defendants.
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Case No.: 18-cv-0187 W (KSC)

**ORDER GRANTING MOTION TO
PROCEED IFP [DOC. 2]**

On January 26, 2018, Plaintiff Charlotte Williams (“Plaintiff”) filed a complaint against Defendants for alleged housing discrimination. Along with the complaint, Plaintiff filed a motion to proceed in forma pauperis (“IFP”) [Doc. 2].

I. DISCUSSION

The determination of indigency falls within the district court’s discretion. California Men’s Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991), *reversed on other grounds*, 506 U.S. 194 (1993) (“Section 1915 typically requires the reviewing court

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 has a monthly income of \$1,100, and monthly
28 expenses of \$810. (*IFP App.* [Doc. 2] ¶¶ 1, 8.) Her monthly income, however, are based

1 on what appear to be low estimates for such items as food, for which she only allocates
2 \$100 monthly. (*Id.* ¶ 8.) Additionally, according to her declaration, Plaintiff does not
3 have any assets, and “struggles to pay bills every month” and has “no furniture in [her]
4 home” because it was destroyed by “water and termite damage.” (*Id.* ¶¶ 5, 11.)
5 Therefore, Plaintiff’s IFP motion will be granted.

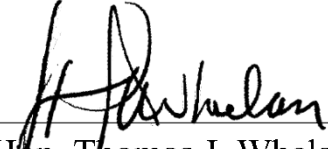
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7 **II. CONCLUSION & ORDER**

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

- 11 1. The United States Marshal shall serve a copy of the Complaint filed on
12 January 26, 2018 and an accompanying summons upon Defendants as
13 directed by Plaintiff on U.S. Marshal Form 285. All costs of service shall be
14 advanced by the United States.
- 15 2. Defendants shall respond to the Complaint within the time provided by the
16 applicable provisions of the Federal Rules of Civil Procedure.

17 **IT IS SO ORDERED.**

18 Dated: February 5, 2018

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20 
21 Hon. Thomas J. Whelan
United States District Judge