

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 HAL JAMES HLAVA,
12 Plaintiff,
13 v.
14 NANCY A. BERRYHILL, Acting
15 Commissioner of Social Security,
16 Defendant.

Case No.: 18cv228-WQH-JMA

ORDER

17 HAYES, Judge:

18 On January 31, 2018, Plaintiff Hal James Hlava initiated this action by filing a
19 Complaint for Review of Final Decision of the Commissioner of Social Security pursuant
20 to 42 U.S.C. § 405(g) and a Motion to Proceed In Forma Pauperis. (ECF Nos. 1, 2).

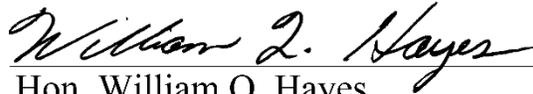
21 All parties instituting a civil action, suit, or proceeding in a district court of the
22 United States, other than a petition for writ of habeas corpus, must pay a filing fee of
23 \$400.00. *See* 28 U.S.C. § 1914(a); S.D. Cal. CivLR 4.5. An action may proceed despite a
24 party's failure to pay only if the party is granted leave to proceed in forma pauperis pursuant
25 to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). "To
26 proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114, 116
27 (9th Cir. 1965).
28

1 The Affidavit filed by Plaintiff states that he is unable to pay the costs of these
2 proceedings. (ECF No. 2 at 1). Plaintiff is unemployed and does not have any money in
3 a bank account or any other financial institution. After review of Plaintiff's motion and
4 affidavit, the Court concludes that Plaintiff cannot afford to pay the costs of these
5 proceedings and is entitled to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

6 IT IS HEREBY ORDERED that Plaintiff's motion to proceed in forma pauperis is
7 GRANTED. (ECF No. 2).

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

11 Dated: February 7, 2018


12 Hon. William Q. Hayes
13 United States District Court