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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MICHAEL DAVID ORR,
12 Plaintiff,
13 v.
14 NANCY A. BERRYHILL, Acting
15 Commissioner of Social Security,
16 Defendant.

Case No.: 3:18-cv-00906-GPC-MDD

**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 May 10, 2018, challenging an adverse decision by the
19 Commissioner of Social Security. (ECF No. 1.) On the same day, Plaintiff filed a
20 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.*

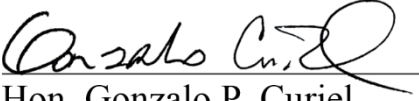
1 leave to proceed IFP under § 1915(a). *See Andrews v. Cervantes*, 493 F.3d 1047, 1051
2 (9th Cir. 2007). The plaintiff must submit an affidavit demonstrating her inability to pay
3 the filing fee and including a complete statement of the plaintiff's assets. 28 U.S.C.
4 § 1915(a)(1).

5 According to Plaintiff's affidavit, he has had no employment for the past two
6 years. (ECF No. 2 at 2.) His income consists of \$512 per month as a result of "cash aid"
7 and food stamps. (*Id.*) He has no assets and no liabilities. (*Id.* at 2–3.) His expenses
8 consist of \$192 per month as a result of clothing expenses. (*Id.* at 4.) Based on the
9 information above, the Court concludes that Plaintiff cannot afford the filing fee for this
10 action. The Court therefore **GRANTS** Plaintiff's motion for leave to proceed *in forma*
11 *pauperis*.

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

23 **IT IS SO ORDERED.**

24 Dated: May 10, 2018

25 
26 Hon. Gonzalo P. Curiel
27 United States District Judge
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