

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

11 RICHARD FRANK SCHUH,
12 Plaintiff,
13 v.
14 NANCY A. BERRYHILL, Acting
15 Commissioner of Social Security,
16 Defendant.

Case No.: 3:18-cv-01398-GPC-AGS

**ORDER GRANTING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS**

[ECF No. 2]

17
18 Plaintiff, Richard Frank Schuh, with counsel, has filed a complaint requesting
19 judicial review of the Commissioner’s decision denying Plaintiff’s claims for disability
20 insurance benefits and supplemental security income under Title II of the Social Security
21 Act. (ECF No. 1.) Plaintiff did not prepay the civil filing fee required by 28 U.S.C.
22 § 1914(a) at the time of the filing, but instead filed a Motion to Proceed in Forma
23 Pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. (ECF No. 2.) For the following reasons,
24 the Court GRANTS Plaintiff’s motion to proceed IFP.

25 All parties instituting any civil action, suit, or proceeding in a district court of the

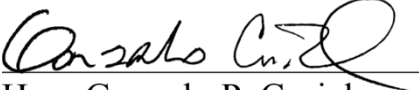
1 United States, except an application for writ of habeas corpus, must pay a filing fee of
2 \$400. *See* 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to
3 prepay the entire fee only if he is granted leave to proceed IFP pursuant to 28 U.S.C.
4 § 1915(a). *See Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v.*
5 *Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). A court may authorize the commencement of
6 a suit without prepayment of fees if the plaintiff submits an affidavit, including a
7 statement of all of his or her assets, showing that he or she is unable to pay the fees. *See*
8 28 U.S.C. § 1915(a). Such an affidavit must include a complete statement of the
9 plaintiff's assets. *See id.*

10 Here, Plaintiff submitted a declaration reporting that he is not employed. (ECF
11 No. 2 at 1.) He has no income. (*Id.*) He currently holds \$800 in a bank account. (*Id.* at
12 2.) He owns his house, but owed \$82,000 on the mortgage, on which he pays \$1,333 a
13 month, and he owns a vehicle. (*Id.*) He also has a "401k account." (*Id.*) His monthly
14 expenses beyond his mortgage include \$130 to pay his daughter's student debt, \$284 to a
15 bankruptcy trustee, and \$400 in good and gas. (*Id.*)

16 The Court concludes that Plaintiff has sufficiently demonstrated that he is unable
17 to pay the required filing fee and that he meets the requirements to proceed IFP.
18 Plaintiff's Motion for Leave to Proceed in Forma Pauperis is therefore GRANTED.

19 **IT IS SO ORDERED.**

20 Dated: June 27, 2018

21 
22 Hon. Gonzalo P. Curiel
23 United States District Judge
24
25
26