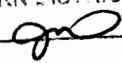


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 SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

S. HUSTED,
 Plaintiff,
 v.
 ANDREW M. SAUL, Commissioner of
 the Social Security Administration,
 Defendant.

Case No.: 19cv1435-BEN(KSC)

**ORDER GRANTING APPLICATION
 TO PROCEED IN DISTRICT
 COURT WITHOUT PREPAYING
 FEES OR COSTS [Doc. No. 2.]**

On July 30, 2019, plaintiff S. Husted commenced an action against Andrew M. Saul, Commissioner of the Social Security Administration, seeking review of a final adverse decision of the Commissioner. [Doc. No. 1.] Plaintiff also filed an Application to Proceed in District Court Without Prepaying Fees or Costs. [Doc. No. 2.] The Application is in the form of an affidavit. [Doc. No. 2, at p. 1.]

A court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of all his or her assets, showing that he or she is unable to pay the filing fee. *See* 28 U.S.C. § 1915(a). The affidavit must “state the facts as to [the] affiant’s poverty with some particularity, definiteness and certainty.” *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir.1981) (internal quotations omitted).

1 A party need not be completely destitute to proceed *in forma pauperis*. *Adkins v.*
2 *E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339B340 (1948). An affidavit is adequate
3 if it shows that the applicant cannot pay the fee “and still be able to provide himself [or
4 herself] and dependents with the necessities of life.” *Id.* (internal quotations omitted).
5 Here, the affidavit indicates that plaintiff’s income is \$500 in alimony. Plaintiff also
6 receives some financial assistance from parents. The affidavit also indicates that
7 plaintiff’s basic living expenses exceed this \$500 in income. Therefore, the Court finds
8 that plaintiff has submitted an affidavit which sufficiently shows a lack of financial
9 resources to pay the filing fee. Accordingly, IT IS HEREBY ORDERED THAT
10 plaintiff’s Application to Proceed with his Complaint *in forma pauperis* is GRANTED.

11 [Doc. No. 2.]

12 IT IS SO ORDERED.

13 Dated: October 3, 2019

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15 Hon. Kafan S. Crawford
16 United States Magistrate Judge
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