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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 FRANCISCO A.,

12 Plaintiff,

13 v.

14 ANDREW M. SAUL, Commissioner of
15 Social Security,

16 Defendant.

Case No.: 3:20-cv-01768-KSC

**ORDER GRANTING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS [DOC. NO. 2]**

17 On September 9, 2020, plaintiff Francisco A. commenced an action against
18 Andrew M. Saul, Commissioner of the Social Security Administration, seeking review of
19 a final adverse decision of the Commissioner. [Doc. No. 1.] Plaintiff also filed Motion for
20 Leave to Proceed *in forma pauperis*. [Doc. No. 2.]

21 A party need not be completely destitute to proceed *in forma pauperis*. *Adkins v.*
22 *E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339–340 (1948). A court may authorize
23 the commencement of a suit without prepayment of fees if the plaintiff submits an
24 affidavit, including a statement of all his or her assets, showing that he or she is unable to
25 pay the filing fee. *See* 28 U.S.C. § 1915(a). The affidavit must “state the facts as to [the]
26 affiant’s poverty with some particularity, definiteness and certainty.” *United States v.*
27 *McQuade*, 647 F.2d 938, 940 (9th Cir.1981) (internal quotations omitted). An affidavit is
28 sufficient if it shows that the applicant cannot pay the fee “and still be able to provide

1 himself [or herself] and dependents with the necessities of life.” *Id.* (internal quotations
2 omitted).

3 Here, plaintiff states in his affidavit that he is unemployed and has limited income
4 and assets. Plaintiff’s monthly income is \$666, consisting of public assistance and food
5 stamps. [Doc. No. 2 at 2.] He has no assets and he, his wife and his dependent daughter
6 are homeless. [*Id.* at 3, 5.] Plaintiff’s monthly expenses, which include food, laundry,
7 transportation, pet food, and occasional hotel rooms, total \$666. [*Id.*, pp. 4-5.] Therefore,
8 the Court finds that plaintiff has sufficiently shown he lacks the financial resources to pay
9 his filing fee. Accordingly,

10 IT IS HEREBY ORDERED THAT plaintiff’s Motion for Leave to Proceed *in*
11 *forma pauperis* is GRANTED. [Doc. No. 2.]

12 Dated: September 10, 2020



Hon. Karen S. Crawford
United States Magistrate Judge