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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GREGORY K.,  
  
Plaintiff,  
  
v.  
  
ANDREW M. SAUL, Commissioner of  
Social Security,  
  
Defendant.

Case No.: 3:20-cv-2180-KSC

**ORDER GRANTING APPLICATION  
TO PROCEED IN FORMA  
PAUPERIS [DOC. NO. 2]**

On November 6, 2020, plaintiff Gregory K. commenced an action against Andrew M. Saul, the Commissioner of Social Security, seeking review of a final adverse decision of the Commissioner. Doc. No. 1. Plaintiff also filed an Application to Proceed with his Complaint *in forma pauperis*. Doc. No. 2.

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). A party need not be completely destitute to proceed *in forma pauperis*. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339–340 (1948). An affidavit is sufficient if it

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1 shows that the applicant cannot pay the fee “and still be able to provide himself and  
2 dependents with the necessities of life.” *Id.* (internal quotations omitted).

3 Here, plaintiff’s application states that he is unemployed and has limited income and  
4 assets. Although he reports \$1000 per month in disability benefits, plaintiff states that this  
5 disability income will end in November, after which his only monthly income or benefits  
6 will be approximately \$192 in public assistance. Doc. No. 2 at 2. Plaintiff’s assets consist  
7 of a checking account with a balance of \$200, a 2009 Toyota 4-Runner valued at \$6,000  
8 and a 1956 Chevy Apache valued at \$10,000. *Id.* at 3. Plaintiff states he plans to sell his  
9 motorcycle and has not paid registration nor insurance for either of his vehicles. *Id.* at 3-  
10 4. Plaintiff’s monthly expenses, which include food, utilities, and transportation, total  
11 \$592. *Id.* at 5. Therefore, the Court finds that plaintiff has sufficiently shown he lacks the  
12 financial resources to pay the filing fee.

13 Accordingly, plaintiff’s Application to Proceed with his Complaint *in forma*  
14 *pauperis* [Doc. No. 2.] is **GRANTED**.

15 **IT IS SO ORDERED.**

16 Dated: November 17, 2020



Hon. Karen S. Crawford  
United States Magistrate Judge