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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 CHERYL K. M.,

12 Plaintiff,

13 v.

14 KILOLO KIJAKAZI, Acting  
15 Commissioner of Social Security,  
16 Defendant.

Case No.: 21cv1523-KSC

**ORDER GRANTING APPLICATION  
TO PROCEED IN FORMA  
PAUPERIS [DOC. NO. 3.]**

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18 On August 27, 2021, plaintiff Cheryl K. M. commenced an action against Kilolo  
19 Kijakazi, the Acting Commissioner of Social Security, seeking review of a final adverse  
20 decision of the Commissioner. [Doc. No. 1.] Plaintiff also filed an Application to Proceed  
21 with the Complaint *in forma pauperis*. [Doc. No. 3.]

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

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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, 339–340 (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, plaintiff’s Application indicates she is unemployed and has retirement  
6 income of \$599 per month but has no money left after paying expenses. She also owns  
7 two older model vehicles. [Doc. No. 3, pp. 1-3.] Therefore, the Court finds that plaintiff  
8 has sufficiently shown she lacks the financial resources to pay the filing fee.

9 Accordingly,

10 IT IS HEREBY ORDERED THAT plaintiff’s Application to Proceed with her  
11 Complaint *in forma pauperis* is GRANTED. [Doc. No. 3.]

12 Dated: September 8, 2021



13  
14 Hon. Karen S. Crawford  
15 United States Magistrate Judge  
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