

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

10  
11 JOSHUA O.,

12 Plaintiff,

13 v.

14 KILOLO KIJAKAZI, Acting  
15 Commissioner of Social Security,

16 Defendant.

Case No.: 23-cv-40-DDL

**ORDER GRANTING  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS**

**[Dkt. No. 2]**

17  
18 On January 9, 2023, Plaintiff Joshua O. (“Plaintiff”) initiated this action  
19 against the Acting Commissioner of Social Security, seeking judicial review of a  
20 final adverse decision of the Commissioner. Dkt. No. 1. Plaintiff concurrently filed  
21 an application to proceed in this matter *in forma pauperis* (“IFP”), which is presently  
22 before the Court. Dkt. No. 2.

23 This Court may “authorize the commencement . . . of any suit, action or  
24 proceeding, civil or criminal, without prepayment of fees or security therefor” by  
25 any person who demonstrates his or her inability to pay such fees. See 28 U.S.C.  
26 § 1915(a)(1). A party need not be completely destitute to proceed IFP. *Adkins v.*  
27 *E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948). Instead, “[a]n  
28 affidavit in support of an IFP application is sufficient where it alleges that the affiant

1 cannot pay the court costs and still afford the necessities of life.” *Escobedo v.*  
2 *Applebees*, 787 F.3d 1226, 1235 (9th Cir. 2015) (citing *Adkins*, 335 U.S. at 339).  
3 “[A] plaintiff seeking IFP status must allege poverty ‘with some particularity,  
4 definiteness and certainty.’” *Id.* (citing *United States v. McQuade*, 647 F.2d 938,  
5 940 (9th Cir.1981)).

6 According to Plaintiff’s application, he is currently unemployed and was last  
7 gainfully employed in 2019. Dkt. No. 2 at 1-2. Plaintiff reports no income, assets  
8 or living expenses, and does not expect his income or assets to change  
9 meaningfully in the next year. *Id.* at 1-3, 5. Based upon the record before it, the  
10 Court finds that Plaintiff has adequately demonstrated that he lacks the financial  
11 resources to pay the filing fee. Accordingly, plaintiff’s Application to Proceed in  
12 forma pauperis [Dkt. No. 2] is **GRANTED**.

13 **IT IS SO ORDERED.**

14 Dated: January 17, 2023

15 

16  
17 Hon. David D. Leshner  
United States Magistrate Judge