

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CLIFTON MASAYOSHI)	Civ. No. 10-00745 DAE-BMK
HASEGAWA, et al.,)	
)	FINDINGS AND
Plaintiffs,)	RECOMMENDATION THAT
)	PLAINTIFF’S APPLICATION TO
vs.)	PROCEED WITHOUT
)	PREPAYMENT OF FEES OR
STATE OF HAWAII, et al.,)	COSTS BE DENIED
)	
Defendants.)	
_____)	

FINDINGS AND RECOMMENDATION THAT PLAINTIFF’S APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES OR COSTS BE DENIED

Plaintiff Clifton Masayoshi Hasegawa (“Plaintiff”), proceeding *pro se*, filed an Application to Proceed Without Prepayment of Fees or Costs (“IFP Application”) on December 14, 2010.¹ (Doc. # 1.) A court may authorize the commencement of any suit without prepayment of fees or security, by a person who submits an affidavit demonstrating that he is unable to pay such fees or give such security. 28 U.S.C. § 1915(a)(1). In determining whether to grant an IFP application, the Court is guided by whether the applicant’s yearly income surpasses the poverty threshold. The Department of Health and Human Services Poverty

¹ Pursuant to Local Rule 7.2(d) of the Local Rules of Practice of the United States District Court for the District of Hawaii, the Court elects to decide this matter without a hearing.

Guidelines for 2010 indicate that the poverty threshold for a single individual in Hawaii is \$12,460.²

In this case, Plaintiff states that his take-home pay or wages total \$2,000 per month, which amounts to \$24,000 per year. (IFP Application at 1.) This alone places him above the poverty threshold for the year. Plaintiff states that he also receives income from pension, annuity, or life insurance payments, as well as disability or worker's compensation payments. (Id.) Specifically, Plaintiff states that he receives \$1,189 per month from a source, which he refers to as "USAF Retirement," and \$900 per month in Social Security Disability Insurance benefits. (Id.) These amounts total \$14,268 and \$10,800 per year, respectively. Lastly, Plaintiff states that he owns an automobile valued at \$6,500 and art work valued at \$20,000. (Id. at 2.) Based on the foregoing, the Court FINDS that Plaintiff has not demonstrated that he is unable to prepay the costs of initiating this action. The Court therefore RECOMMENDS that Plaintiff's IFP Application be DENIED.

IT IS SO FOUND AND RECOMMENDED.

² Plaintiff indicates that he has no dependents. (IFP Application at 2.)

DATED: Honolulu, Hawaii, December 29, 2010.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

Clifton Masayoshi Hasegawa, et al. v. State of Hawaii, et al., Civ. No. 10-00745
DAE-BMK, FINDINGS AND RECOMMENDATION THAT PLAINTIFF'S
APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES OR
COSTS BE DENIED.