

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

REBECCA WEST,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

CV. NO. 18-00092 DKW-KSC

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

On March 13, 2018, Plaintiff Rebecca West filed a Complaint For Review of Social Security Disability and Supplemental Security Income Benefits Determinations, together with an *in forma pauperis* (“IFP”) Application. Dkt. Nos. 1 and 3. Federal courts can authorize the commencement of any suit without prepayment of fees or security by a person who submits an affidavit that demonstrates he or she is unable to pay. *See* 28 U.S.C. § 1915(a)(1). “An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) (citing *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948)); *see also United States v. McQuade*, 647 F.2d 938,

940 (9th Cir. 1981) (The affidavit must “state the facts as to affiant’s poverty with some particularity, definiteness and certainty.”) (internal quotation omitted).

Here, the IFP Application indicates that West is not employed due to disability and that she receives \$333.00 per month in food stamp assistance. She also receives \$388.00 in “general assistance” benefits from the State, which she must repay. West’s IFP Application states that she has \$99.67 in a checking or savings account with no other assets, no dependents, and that she has been homeless for over five years. Based upon the IFP Application, West’s income falls below the poverty threshold identified by the Department of Health and Human Services (“HHS”) 2018 Poverty Guidelines. *See* Annual Update of the HHS Poverty Guidelines, <https://www.federalregister.gov/documents/2018/01/18/2018-00814/annual-update-of-the-hhs-poverty-guidelines>. Accordingly, the Court finds that West has made the required showing under Section 1915 to proceed without prepayment of fees, and GRANTS her IFP Application.

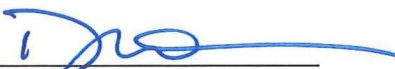
The Clerk of Court issued the Summons in a Civil Action on March 13, 2018. Dkt. No. 7. The Court DIRECTS the Clerk’s Office to provide Plaintiff with the instructions and all other forms necessary for the United States Marshals Service to attempt service of the Complaint. This Court CAUTIONS Plaintiff that the

Marshals Service will not attempt service unless Plaintiff completes all necessary forms in accordance with the instructions provided.

IT IS SO ORDERED.

DATED: March 14, 2018 at Honolulu, Hawai'i.




Derrick K. Watson
United States District Judge

West v. Berryhill; CV. NO. 18-00092 DKW-KSC; **ORDER GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS**