

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

TIARE FORGERSON,

Plaintiff,

v.

MARTIN O'MALLEY, *Commissioner  
of Social Security,*

Defendant.

Case No. 24-cv-00310-DKW-RT

**ORDER GRANTING  
APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF  
FEES OR COSTS<sup>1</sup>**

Plaintiff Tiare Forgerson, proceeding with counsel, moves for leave to proceed without prepaying fees or costs in this social security appeal ("IFP Application"). Dkt. No. 2.

Federal courts can authorize the commencement of any suit without prepayment of fees or security by a person who submits an affidavit that demonstrates an inability to pay. *See* 28 U.S.C. § 1915(a)(1). While Section 1915(a) does not require a litigant to demonstrate absolute destitution, *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948), the applicant

---

<sup>1</sup>Pursuant to Local Rule 7.1(c), the Court finds this matter suitable for disposition without a hearing.

must nonetheless show that she is “unable to pay such fees or give security therefor,” 28 U.S.C. § 1915(a).

Here, Forgerson has made the required showing under Section 1915(a). In the IFP Application, Forgerson states that she is unable to work and, therefore, does not receive any pay or wages. Dkt. No. 2 at 1. She further states that, in the past 12 months, she has received \$600 per month for child support and roughly \$300 in support from family and friends. *Id.* She also states that she receives \$532 in food stamps. *Id.* at 2. Forgerson further states that she has \$150 in a checking or savings account and owns a “salvaged” car valued at about \$2,000. As for expenses, Forgerson states that she pays a total of \$200 for such things as cell service, internet, transportation, and “subsidized” housing, and she owes family members more than \$10,000. *Id.*


In light of these figures, Forgerson’s income falls below the poverty threshold identified by the Department of Health and Human Services’ (“HHS”) 2024 Poverty Guidelines. *See* HHS Poverty Guidelines, available at: <https://aspe.hhs.gov/poverty-guidelines>. In addition, Forgerson has insufficient assets to provide security for the \$400 filing fee while still affording the necessities of life. *See Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015).

As a result, the Court GRANTS the IFP Application, Dkt. No. 2.

IT IS SO ORDERED.

Dated: July 29, 2024 at Honolulu, Hawai‘i.



  
Derrick K. Watson  
Chief United States District Judge