

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

THOMAS McCULLEN,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

Case No. 1:13- cv-00018-BLW

**MEMORANDUM DECISION AND
ORDER**

The Court has before it Petitioner's Application to Proceed In Forma Pauperis (Dkt. 1). As explained by Magistrate Bush in his earlier Order (Dkt. 9), pursuant to federal statute, "any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, . . . without prepayment of fees or security therefor." 28 U.S.C. § 1915(a)(1). In order to qualify for IFP status, Plaintiff must submit an affidavit that includes a statement of all assets he possesses and that he is unable to pay the fee required. *Id.*

The affidavit is sufficient if it states that the plaintiff, because of his poverty, cannot "pay or give security for the costs" and still be able to provide himself and dependants "with necessities of life." *Adkins v. E.I. DuPont de Numours & Co.*, 335 U.S. 331, 339 (1948). The affidavit must "state the facts as to affiant's poverty with some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940

(9th Cir. 1981) (internal quotation omitted).

Here, Petitioner states that he is not employed and has not received any money from any other sources in the past six months. He has no other assets or property and is obligated to contribute \$180.00 per month to support his daughter. However, as noted by Magistrate Judge Bush, Petitioner's application does not explain how he is living without any sources of income or other assistance. Therefore, Magistrate Judge Bush indicated that before the Court can fully and adequately assess whether Petitioner qualifies for IFP status, more information about how Petitioner lives and supports his daily needs was required. Accordingly, Magistrate Bush ordered Petitioner to provide such information to the Court on or before March 20, 2013. Petitioner failed to provide the Court with anything. Under these circumstances, the Court will deny the application.

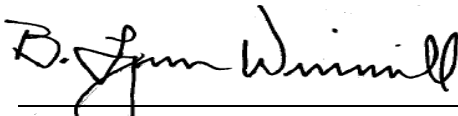
ORDER

IT IS ORDERED:

1. Petitioner's Application to Proceed In Forma Pauperis (Dkt. 1) **DENIED**.
Petitioner must pay the filing fee on or before **May 24, 2013**, or this case will be dismissed in its entirety.

DATED: **May 2, 2013**





B. LYNN WINMILL
Chief U.S. District Court Judge