

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

RAMON ESPINOZA RODRIGUEZ,

Plaintiff,

v.

CANYON COUNTY,

Defendant.

Case No. 1:19-cv-00192-BLW

MEMORANDUM DECISION AND  
ORDER

**INTRODUCTION**

Before the Court is Plaintiff Ramon Espinoza Rodriguez's Application to Proceed In Forma Pauperis (Dkt. 2). Because plaintiff's application shows he is capable of paying the \$400 filing fee without compromising his ability to provide for himself and his family, the motion will be denied.

**DISCUSSION**

A person who decides to file a lawsuit in federal district court must pay a \$400 filing fee. *See* 28 U.S.C. § 1914 (providing statutory fee of \$350); Dist. Ct. Fees – Dist. Of Idaho (showing a \$400 civil filing fee as of September 1, 2018).<sup>1</sup> District courts have

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<sup>1</sup> The fee schedule is available at this website:

[https://www.id.uscourts.gov/Content\\_Fetcher/index.cfm/District\\_Filing\\_Fees\\_950.pdf?Content\\_ID=950](https://www.id.uscourts.gov/Content_Fetcher/index.cfm/District_Filing_Fees_950.pdf?Content_ID=950)  
(last visited July 9, 2019).

discretion to grant plaintiffs IFP status, and if they do so, the lawsuit proceeds without prepayment of the filing fee. *See* 28 U.S.C. § 1915(a)(1). While a plaintiff need not be absolutely destitute to qualify for IFP status, *Adkins v. E.I. Dupont de Nemours*, 335 U.S. 331, 339 (1948), the fact that financing his own litigation may cause some difficulty is not sufficient to relieve a plaintiff of the obligation to pay his own way if it's possible to do so without undue hardship. *See id.*

Here, plaintiff reports that he earns \$4,000 per month, or “about \$3,400” after taxes. *IFP App.*, Dkt. 2, at 5. Against that \$3,400, plaintiff reports monthly expenses of \$3,878. Because of the \$478 monthly shortfall, plaintiff says he cannot afford to pay the \$400 filing fee.

The Court disagrees. As a starting point, plaintiff's \$48,000 annual earnings place him above the poverty level for a family of five, which is set at \$30,170. *See IFP App.*, Dkt. 2, at 5 (plaintiff reports four persons who rely on him for support); *Annual Update of the HHS Poverty Guidelines*, 84 Fed. Reg. 1167-02 (Feb. 1, 2019). Although a person's earnings as compared to the poverty line is not the deciding factor on an IFP application, the comparison does provide some context. Further, plaintiff discloses a few monthly expenses that appear relatively generous and that could be reduced to allow him to afford the fee. These include: \$300 per month for clothing; \$150 per month for “laundry and dry-cleaning;” and \$100 per month for “Recreation, entertainment, newspapers, magazines, etc.” *See IFP App.*, Dkt. 2, at 4. Plaintiff also reports that he is financing two vehicles at a cost of \$794 per month. *Id.* (reporting a \$427 monthly

payment for a “truck loan” plus a \$367 “Car payment”).

Given plaintiff’s financial situation, the Court finds he is capable of paying the filing fee and will therefore deny the IFP application.

**ORDER**

**IT IS ORDERED** that Plaintiff’s In Forma Pauperis Application (Dkt. 2) is **DENIED**. Plaintiff must pay the \$400 filing fee within 30 days of this Order. Failure to do so will result in automatic dismissal of this action.



DATED: July 23, 2019

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill  
U.S. District Court Judge