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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALEXANDER OLIVER,
Plaintiff,
v.
UNLV BOARD OF REGENTS,
Defendant.

Case No. 2:17-cv-02689-JCM-CWH

ORDER

Presently before the court is pro se Plaintiff Alexander Oliver’s application to proceed *in forma pauperis* (ECF No. 4), filed on November 14, 2017.

Under 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil action in district court. Additionally, based on the Judicial Conference Schedule of Fees, District Court Miscellaneous Fee Schedule, effective June 1, 2016, a \$50.00 administrative fee applies for filing a civil action in district court, making the total filing fee \$400.00. Under 28 U.S.C. § 1915(a)(1), the court may authorize the commencement of a civil case “without prepayment of fees and costs or security therefor” if a person submits an affidavit including a statement of all assets that demonstrates the person is unable to pay the fees or give security for them.

Based on Plaintiff’s affidavit, his monthly income is \$1,453 per month, and his monthly expenses are approximately \$1,360. Plaintiff declares he has no money in checking or savings account and no cash, but that he owns a house with a net value of approximately \$118,000. Plaintiff does not identify any debts or persons he supports.

Upon review, Plaintiff has not demonstrated that he is unable to pay the costs of related to this litigation. *See Ross v. San Diego County*, 2008 WL 440413 (S.D. Cal. Feb. 14, 2008) (finding plaintiff did not qualify to proceed *in forma pauperis* where she received \$2,100 in disability payments, owned a car and house, and “carried significant debt”); *see also Samuel v. Nat’l Health Svs., Inc.*, 2006 WL 2884795 at *1 (E.D. Cal. Oct. 10, 2006) (denying IFP application where plaintiff received \$752.40 per month in Supplemental Security Income and had received a \$10,000.00

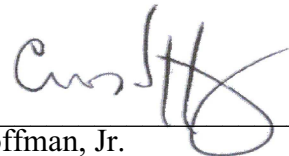
1 judgment and owned a van valued at \$500.00) (*citing Green v. Cotton Concentration Co.*, 294
2 F.Supp. 34, 35 (D.C. Tex. 1968) (affidavit of indigency insufficient to establish indigency where
3 both employed plaintiffs earned less than \$350)); *Matter of Anderson*, 130 B.R. 497, 500 (W.D.
4 Mich. 1991) (earnings of \$950 per month insufficient to show indigency where poverty level in
5 Michigan was \$6,620 per year); *In re Fontaine*, 10 B.R. 175, 177 (D. R.I. 1981) (no indigency where
6 weekly net pay of \$132, no dependents, and lived with mother to whom she paid \$25 per week). The
7 court therefore will deny Plaintiff's application to proceed *in forma pauperis*.

8 IT IS THEREFORE ORDERED that Plaintiff Alexander Oliver's application to proceed *in*
9 *forma pauperis* (ECF No. 4) is DENIED.

10 IT IS FURTHER ORDERED that within thirty days of this order, Plaintiff must either pay
11 the full filing fee in this case of \$400, or file a renewed application to proceed *in forma pauperis*.
12 Failure to either pay the filing fee or file a renewed application to proceed *in forma pauperis* will
13 result in a recommendation that this case be dismissed.

14 IT IS FURTHER ORDERED that Plaintiff's previous motion to proceed *in forma pauperis*
15 (ECF No. 1) is DENIED as moot.

16 DATED: November 30, 2017

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19 C.W. Hoffman, Jr.
20 United States Magistrate Judge
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