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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRACY WEBB,

Plaintiff,

v.

FEDERAL COURT STAFF, *et al.*,

Defendants.

Case No. 3:17-cv-00350-MMD-WGC

ORDER

Plaintiff has filed an application to proceed in forma pauperis (IFP) and pro se complaint. (ECF Nos. 1, 1-1.)

A person may be granted permission to proceed IFP if the person “submits an affidavit that includes a statement of all assets such [person] possesses [and] that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1); *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc) (stating that 28 U.S.C. § 1915 applies to all actions filed IFP, not just prisoner actions).

In addition, the Local Rules of Practice for the District of Nevada provide: “Any person who is unable to prepay the fees in a civil case may apply to the court for authority to proceed [IFP]. The application must be made on the form provided by the court and must include a financial affidavit disclosing the applicant’s income, assets, expenses, and liabilities.” LSR 1-1.

“[T]he supporting affidavits [must] state the facts as to [the] affiant’s poverty with some particularity, definiteness and certainty.” *U.S. v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (quoting *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)). A litigant need not “be absolutely destitute to enjoy the benefits of the statute.” *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

1 Plaintiff's application states that her gross pay or wages are \$895 plus \$300 to \$500
2 "dependable." (ECF No. 1 at 1.) She also lists her take home-pay wages as \$1295, \$1195 and
3 \$1395 "if I have clients." (*Id.*) The court cannot discern from this statement the amount of
4 Plaintiff's monthly income. Where the form asks about Plaintiff's monthly expenses, she states:
5 "You guys know I'm not in a home yet and you know exactly what's go on." (*Id.* at 2.) In the
6 space that asks about debts or financial obligations, she writes: "I'm paying off bills," but does
7 not indicate what bills or the amounts.

8 Plaintiff must provide clearer information about her monthly income, expenses and
9 liabilities in order for the court to assess whether she can pay the filing fee or not. The court
10 cannot ascertain Plaintiff's poverty from the application as written.

11 As such, Plaintiff's application to proceed IFP is **DENIED WITHOUT PREJUDICE**.
12 Plaintiff shall submit a new, complete IFP application within **THIRTY DAYS** of the date of this
13 Order. The application shall clearly identify her income, assets, expenses and liabilities. A
14 failure to do so, or to pay the full filing fee, will result in a report and recommendation that this
15 action be dismissed.

16 **IT IS SO ORDERED.**

17 DATED: June 29, 2017.

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WILLIAM G. COBB
21 UNITED STATES MAGISTRATE JUDGE
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