

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

YOLANDA LORRAINE DIAZ JARAMILLO,

Plaintiff,

No. 1:17-cv-00859-KRS

v.

NANCY A. BERRYHILL, Acting Commissioner
of the Social Security Administration,

Defendant.

ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

THIS MATTER comes before the Court upon Plaintiff's Motion to Proceed *In Forma Pauperis* with Financial Affidavit Pursuant to 28 U.S.C. § 1915, filed August 21, 2017. [Doc. No. 2]. Having reviewed the submissions the Court FINDS and CONCLUDES that Plaintiff's motion is not well taken and should be denied. In making this determination, the Court notes that it has the discretion to "authorize the commencement . . . of any suit . . . without prepayment of fees or security therefore, by a person who submits an affidavit that includes a statement of all assets [the person] possesses [and] that the person is unable to pay such fees or give security therefore." 28 U.S.C. § 1915(a)(1). Yet, a review of Plaintiff's affidavit of current income and assets reveals that Plaintiff has a net monthly income of \$2,290 and monthly expenses of \$2,033, leaving a positive balance of \$257.00. In addition, Plaintiff owns, outright, a home with an approximate value of \$140,000 and a Chevrolet Silverado with an approximate value of \$1,000. Consequently, Plaintiff has failed to establish that she is unable to pay the required filing fee or that doing so will cause her substantial hardship.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Proceed *In Forma Pauperis* is hereby **DENIED**.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, slightly slanted style. To the right of the signature is a horizontal line.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE