

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHLEEN RUSSELL,

Plaintiff,

V.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. C17-1152-RSM

**ORDER DENYING APPLICATION
TO PROCEED IN FORMA
PAUPERIS**

Kathleen Russell seeks to proceed *in forma pauperis* with an action for judicial review of the administrative decision denying her application for Social Security benefits. Dkt. 1. For the reasons discussed below, Ms. Russell's motion to proceed *in forma pauperis* (Dkt. 1) is

DENIED.

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 Fed.Appx. 522, 523 (9th Cir. 2004). To meet the first prong of this test, a litigant must show that he or she “cannot because of his poverty pay or give security for the costs and still be able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours*

1 & Co., 335 U.S. 331, 339, 69 S.Ct. 85, 93 L.Ed. 43 (1948).

2 Ms. Russell has not shown she is unable to pay the full filing fee to proceed with this
3 lawsuit. Ms. Russell states in her affidavit that she has \$40.00 cash on hand, \$1,611.79 in a
4 checking account and \$7,688.76 in a savings account. Dkt. 1. She indicates that monthly she
5 has \$40.00 of “self-employment expenses like art supplies, packaging and shipping costs” but
6 that she lives with her parents and that “they cover most other expenses.” *Id.* She also indicates
7 that in the past twelve months she has received \$1,199.00 from “business, profession or other
8 self-employment.” *Id.* Ms. Russell states she is not married and that there are no persons
9 dependent upon her for support. *Id.* Ms. Russell has more than enough in savings to pay the full
10 filing fee. Furthermore, she reports a small source of income and very minimal expenses which
11 go toward funding her self-employment. Under the circumstances, the Court finds Ms. Russell
12 has failed to demonstrate that she “cannot because of [her] poverty pay or give security for the
13 costs and still be able to provide [herself] and dependents with the necessities of life.” *Adkins*,
14 335 U.S. at 339.

15 The application to proceed *in forma pauperis* is **DENIED**. Ms. Russell has thirty days
16 from the date of this order to pay the full \$400.00 filing fee. If the filing fee is not received
17 within thirty days, the clerk’s office is instructed to dismiss this action **WITHOUT**
18 **PREJUDICE**.

19 DATED this 15 day of August 2017.

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21 
22 RICARDO S. MARTINEZ
23 CHIEF UNITED STATES DISTRICT JUDGE