

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TWYLA WENTWORTH,

Plaintiff,

V.

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

Defendant.

CASE NO. 3:17-CV-05748 JRC

ORDER TO SHOW CAUSE

15 This matter comes before the Court on plaintiff's filing of an application to proceed *in*
16 *forma pauperis* and a complaint to review and set aside a decision of the Social Security
17 Administration under 42 U.S.C. § 405(g). To file a complaint and initiate legal proceedings
18 plaintiff must pay a filing fee of \$400.00 or file a proper application to proceed *in forma*
19 *pauperis.*

20 On September 15, 2017, plaintiff filed her Declaration and Application to Proceed *in*
21 *Forma Pauperis* and Written Consent for Payment of Costs. Dkt. 1. Plaintiff's application
22 indicates a monthly income of \$3,093.00 resulting an annual income of \$37,116.00, well above
23 the Court guideline of 200% of the 2017 poverty level, which is \$24,120.00 (see

1 <https://aspe.hhs.gov/poverty-guidelines>, last visited 9/21/2017). Plaintiff also shows that, as of
2 8/23/2017, she has \$199,360.60 in assets. Dkt. 1.

3 The District Court may permit indigent litigants to proceed *in forma pauperis* following
4 completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). According to the Ninth
5 Circuit, the decision to grant or refuse an application to proceed *in forma pauperis* “is within the
6 discretion of the District Court.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert.*
7 *denied*, 375 U.S. 845 (1963). An application to proceed *in forma pauperis*, when granted, is
8 “granted as a privilege and not as a matter of right.” *Id.*

9 By requesting the Court to be allowed to proceed *in forma pauperis*, plaintiff is asking
10 the government to incur the filing fee because of an alleged inability to afford the costs necessary
11 to proceed with the cause of action.

12 The Court recognizes that plaintiff’s income is well above 200% of the 2017 poverty
13 level limits and that plaintiff has other assets that would enable her to pay the court’s filing fee.
14 Therefore, plaintiff is ordered to provide a clear explanation of why plaintiff is unable to pay the
15 filing fee or pay the filing fee of \$400.00 by October 20, 2017 in order to proceed with this
16 matter. Failure to show good cause or pay the filing fee may result in an order to dismiss.

17 Dated this 22nd day of September, 2017.

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22 J. Richard Creatura
23 United States Magistrate Judge
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