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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 CYNTHIA L. RILEY,

9 Plaintiff,

10 v.

11 COMMISSIONER OF SOCIAL
SECURITY,

12 Defendant.

Case No. C20-5499 RAJ

ORDER DENYING
APPLICATION TO PROCEED IN
FORMA PAUPERIS

13
14 Plaintiff seeks to proceed *in forma pauperis* for an action seeking judicial review
of the administrative decision denying her application for Social Security benefits. Dkt.

15 1. For the reasons discussed below, the court DENIES plaintiff's application to proceed
16 *in forma pauperis*.

17 The district court may permit indigent litigants to proceed *in forma pauperis* upon
18 completion of a proper affidavit of indigence. 28 U.S.C. § 1915(a). "To qualify for *in*
19 *forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to
20 pay court fees and that the claims he or she seeks to pursue are not frivolous." *Ogunsalu*
21 *v. Nair*, 117 F. App'x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To
22 meet the first prong of this test, a litigant must show that he or she "cannot because of his
23 [or her] poverty pay or give security for the costs and still be able to provide himself [or
& Co., 335 U.S. 331, 339 (1948) (internal alterations omitted).

1 Plaintiff has not shown she is unable to pay the full filing fee to proceed with this
2 lawsuit. Her application appears to show she and her husband have monthly income of
3 over \$9,000. Dkt. 1 at 1. Plaintiff also itemizes monthly expenses totaling less than
4 \$7,500. Dkt. 1 at 2. This would leave at least \$1,500 available per month. While
5 plaintiff states she also “get[s] medical bills from time to time,” has some medication co-
6 payments, and pays for heating oil, gasoline, and “minor” house repairs, there is no
7 indication that these expenses total anywhere close to \$1,500 per month. *Id.* Under the
8 circumstances, the Court finds plaintiff has failed to demonstrate she “cannot because of
9 [her] poverty pay or give security for the costs and still be able to provide [herself] and
10 dependents with the necessities of life.” *See Adkins*, 335 U.S. at 339 (internal alterations
omitted). Should additional information or clarification alter the situation, plaintiff may
reapply to proceed *in forma pauperis*.

11 Accordingly, plaintiff’s application to proceed *in forma pauperis* is DENIED
12 WITHOUT PREJUDICE. Plaintiff has 30 days from the date of this order to pay the full
13 filing fee or reapply to proceed *in forma pauperis*. If the filing fee or a new application is
14 not received within 30 days, the clerk’s office is instructed to dismiss this action
WITHOUT PREJUDICE.

15 DATED this 2nd day of June, 2020.

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18 The Honorable Richard A. Jones
19 United States District Judge