

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

KELLY STONE and WILLIAM HOFFMAN,

Plaintiffs,

v.

HEATHER KIPLING MEHRA-PEDERSEN,
JAY LEWIS, KYLE PATTEN, JIMMY
HANSEN,

Defendants.

Case No. 2:18-cv-00467-BLW

**MEMORANDUM DECISION
AND ORDER**

INTRODUCTION

The Court has before it Plaintiffs’ application to proceed *in forma pauperis*. Dkt. 5. Specifically, Plaintiffs request that they be allowed to pay the \$400 filing fee in four installments over a two-month period. Dkt. 6. Plaintiffs’ application will be granted.

ANALYSIS

To proceed without payment of the \$400 filing fee, plaintiffs must submit an affidavit listing all assets possessed, including a statement that they are unable to pay the filing fee. *See* 28 U.S.C. § 1915(a)(1). The 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). The 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). District courts have significant discretion in setting the amount

of payment so long as the exercise of discretion serves the “in forma pauperis statute’s goal[s] of granting equal access to the courts regardless of economic status ..., defraying some of the judicial costs of litigation[,] and screening out frivolous claims.”

Olivares v. Marshall, 59 F.3d 109, 111 (9th Cir. 1995).

Plaintiffs’ filing shows they have a low combined income, consisting entirely of disability payments in the amount of \$1131 and \$1462 to Ms. Stone and Mr. Hoffman, respectively. Dkt. 5 at 2. Ms. Stone and Mr. Hoffman do not have any assets of significant value. *Id.* In addition, Mr. Hoffman has significant medical expenses in relation to the size of his disability payments. *Id.* As such, it is appropriate to allow Ms. Stone and Mr. Hoffman to pay the filing fee according to a payment plan. *Id.*

In light of Plaintiffs’ filings, the Court orders the following payment schedule:

1. Plaintiffs will make an initial payment of \$100 on or before March 8, 2019;
2. Plaintiffs will make a second payment of \$100 on or before March 15, 2019;
3. Plaintiffs will make a third payment of \$100 on or before April 12, 2019;
4. Plaintiffs will make a final payment of \$100 on or before April 19, 2019.

ORDER

In accordance with the Memorandum Decision set forth above,

1. Plaintiffs’ application to proceed *in forma pauperis* (Dkts. 5, 6) is

GRANTED.



DATED: February 28, 2019

B. Lynn Winmill

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U.S. District Court Judge