

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ashford v. Google, Inc.

Ashford · No. 25-cv-0327-BJC-AHG · Decided April 29, 2025

OPINION

Ashford v. Google, Inc

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 BURK N. ASHFORD, Case No.: 25-cv-0327-BJC-AHG 12 Plaintiff, ORDER GRANTING
APPLICATION

13 v. TO TO PROCEED IN FORMA

PAUPERIS [ECF NO. 7]

14 GOOGLE, et al, 15 Defendants. 16 17 18 On February 12, 2025, Plaintiff Burk N. Ashford
filed a Petition for Preliminary 19 Injunction alleging Defendants Google and Yahoo have locked
him out of his personal 20 email accounts, and he seeks “unfettered access to his email accounts
from wherever he 21 may be.” [ECF No. 1.] Plaintiff filed a Motion for Leave to Proceed In
Forma Pauperis 22 (“IFP”) which the Court denied on February 19, 2025. [ECF Nos. 3, 4.] 23
Plaintiff has filed a Renewed Application for Leave to Proceed In Forma Pauperis 24 pursuant to
28 U.S.C. § 1915(a). [ECF No. 7.] For the reasons stated below, his motion is 25 GRANTED. 26
Generally, all parties instituting a civil action in this court must pay a filing fee. See 27 28 U.S.C.
§ 1914(a); Civ.L.R. 4.5(a). However, pursuant to 28 U.S.C. § 1915(a), the court 28 may authorize
the commencement, prosecution, or defense of any suit without payment | of fees if the plaintiff
submits an affidavit, including a statement of all his or her assets, 2 || showing that he or she is
unable to pay filing fees or costs. “An affidavit in support of an 3 || IFP application is sufficient
where it alleges that the affiant cannot pay the court costs and 4 || still afford the necessities of
life.” Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 5 || 2015). “[A] plaintiff seeking IFP
status must allege poverty with some particularity, 6 || definiteness and certainty.” /d. (internal
quotation marks omitted). The granting or denial 7 || of leave to proceed IFP in civil cases is within
the sound discretion of the district court. 8 || Venerable v. Meyers, 500 F.2d 1215, 1216 (9th Cir.
1974) (citations omitted). 9 In his application, Plaintiff states that he receives \$1,310 in monthly
income from 10 }/“Pension, annuity, or life insurance payments.” [ECF No. 7 at 4.] Plaintiff
states his 11 || monthly expenses include \$600 rent, \$35 telephone, and that his utilities and
medical co- 12 || pays vary. [/d. at 5.] Plaintiff states he has \$97.39 in his Chase account. [/d. at 7.]

Although 13 ||he does not provide an accurate accounting of his monthly expenses, Plaintiff's
income 14 || and bank account indicate that he does not have funds to pay the filing fee and still
“afford 15 necessities of life.” Escobedo, 787 F.3d at 1234. Accordingly, the Court GRANTS 16 ||
Plaintiff’s IFP Motion [ECF No. 7.] 17 IT IS SO ORDERED. 18 ||Dated: April 29, 2025 19 20 6
oq Gan CG Lh fu 21 29 Honorable Benjamin J. Cheeks United States District Judge 23 24 25 26
27 28 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28