

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TIMOTHY D. KELLEY,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

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ORDER

06-C-0754-C

Timothy Kelley seeks judicial review of a decision of the Commissioner of Social Security denying his application for Disability Insurance Benefits, pursuant to 42 U.S.C. § 405(g). Kelley seeks leave to commence this civil suit without prepayment of the filing fees and costs or providing security therefor, pursuant to 28 U.S.C. § 1915.

The court is taking no action on Kelley's petition for leave to proceed in forma pauperis at this time because his affidavit in support of his petition omits important information. Specifically, Kelley asserts that he is married, but does not indicate whether his spouse is employed or how much she earns. In addition, he reports that in the last 12 months he received a payment of \$1,511 from the Wisconsin Retirement System, but it is unclear whether that was a one-time payment or whether Kelley receives that amount on a monthly basis. The court needs this information before it can decide whether to grant Kelley's petition.

ORDER

Accordingly, IT IS ORDERED that Timothy Kelley's petition for leave to proceed in forma pauperis is STAYED until he provides to the court a statement identifying his spouses's monthly income, if any, and clarifying whether the \$1,511 payment from the Wisconsin Retirement System was a one-time payment or is an amount he receives monthly. Kelley has until January 25, 2007, in which to submit this information. Failure to do so could result in the dismissal of his complaint for failure to prosecute it.

Entered this 4<sup>th</sup> day of January, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge