

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

HARRY R. ELLWANGER,

Plaintiff,

v.

ORDER

09-cv-0080-bbc

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

This is an appeal of an adverse decision of the Commissioner of Social Security brought pursuant to 42 U.S.C. § 405(g). Plaintiff Harry R. Ellwanger has requested leave to proceed in forma pauperis and has supported his request with an affidavit of indigency dated February 2, 2009.

To determine whether a plaintiff qualifies for indigent status, the court uses the following calculation: From plaintiff's annual gross income, the court subtracts \$3,400 for each dependent, excluding the plaintiff. If the balance is less than \$15,000, the plaintiff may proceed without any prepayment of fees and costs; if the balance is greater than \$15,000 but less than \$28,000, the plaintiff must prepay half the fees and costs; and if the balance is greater than \$28,000, the plaintiff must prepay all fees and costs. Substantial assets or debts require individual consideration.

Plaintiff is unemployed. He is married. He and his wife have two minor children. His wife earns \$1,416 a month, or \$16,992 annually. Subtracting \$6,800 for the couple's two

dependents leaves a balance of \$10,192. Plaintiff is eligible to proceed without prepaying the filing fee.

ORDER

IT IS ORDERED that petitioner Harry R. Ellwanger's motion to proceed in forma pauperis is GRANTED. The clerk of court is directed to issue summonses and forward them to plaintiff's lawyer for service.

Entered this 17th day of February, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge