

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

MICHAEL A. HELLNER,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

10-cv-481-bbc-

Plaintiff Michael A. Hellner has filed a suit pursuant to 42 U.S.C. § 405(g) for review of a final decision of the Commissioner of Social Security denying plaintiff's application for social security disability benefits. Plaintiff seeks to commence this lawsuit without prepayment of the filing fees and costs or providing security therefor, pursuant to 28 U.S.C. § 1915.

To determine whether a plaintiff qualifies for indigent status, the court uses the following calculation: From plaintiff's annual gross income, the court subtracts \$3700 for each dependent, excluding the petitioner. If the balance is less than \$16,000, the petitioner may proceed without any prepayment of fees and costs; if the balance is greater than \$16,000 but less than \$32,000, the petitioner must prepay half the fees and costs. If the balance is greater than \$32,000, petitioner must prepay the total fee and costs for commencing this action. Substantial assets or debts require individual consideration.

From plaintiff's affidavit of indigency, I find that he has a monthly income of \$2670 or an annual income of \$32,040. Plaintiff has no dependents and no substantial debts or assets that require consideration. Therefore, plaintiff is able to prepay the fees and costs of commencing this action in the amount of \$350. Accordingly,

IT IS ORDERED that Michael Hellner's request for leave to proceed *in forma pauperis* is DENIED. Plaintiff must pay the filing fee of \$350 no later than September 21, 2010. If he fails to do so, this action may be dismissed for his failure to prosecute it. Upon receipt of plaintiff's payment, the clerk of court shall issue summonses and forward them to plaintiff's counsel for service.

Entered this 2nd day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge