

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

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ROBYN W. GODFREY,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

ORDER

11-cv-218-wmc

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Plaintiff Robyn Godfrey has filed a civil 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 and her spouse's annual gross income, the court subtracts \$3700 for each dependent, excluding the plaintiff. If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs; if the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs. If the balance is more than \$32,000, plaintiff must pay the \$350 filing fee. Substantial assets or debts require individual consideration.

From plaintiff's affidavit of indigency, I find that she has a monthly income of \$610 or an annual income of \$7,572. However, plaintiff owns a \$108,600 house in which she has \$76,600 in equity, an IRA account in which she has approximately \$7,888 and \$105,000 in a checking or savings account. These assets are substantial and can be used to pay the costs of filing this lawsuit.

ORDER

IT IS ORDERED that plaintiff Robyn Godfrey's request for leave to proceed *in forma pauperis* in this action is DENIED because plaintiff does not qualify for indigent status.

Further, IT IS ORDERED that plaintiff may have until October 5, 2011, in which to pay the \$350 fee for filing this lawsuit. If, by October 5, 2011, plaintiff fails to pay the fee, then this action may be dismissed for plaintiff's 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 13<sup>th</sup> day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge