

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

BAHRI BEGOLLI,

Plaintiff,

v.

THE HOME DEPOT,

Defendant.

ORDER

11-cv-380-bbc

On January 29, 2014, this case was dismissed as a sanction for plaintiff Bahri Begolli's refusal to comply with discovery as ordered by the court. Now before the court is plaintiff's notice of appeal and his request to proceed in forma pauperis on appeal. In determining whether plaintiff may appeal in forma pauperis under 28 U.S.C. § 1915, I must consider whether he is indigent and whether his appeal is taken in good faith. Fed. R. App. P. 24(a).

In determining whether plaintiff has the means to pay the \$505 appeal filing fee, the court applies the following standard:

- From plaintiff'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 greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiff is unemployed but has received payments within the past year totaling \$4403.44 from Social Security and \$2900 from an unlisted source. His wife's income is \$1495 a month, or \$17,940 annually. Under Wisconsin's marital property laws, plaintiff's wife's income is considered to be plaintiff's as well. Thus, plaintiff's total annual income is \$25,243.44. Because plaintiff's income falls in the \$16,000 to \$32,000 range, he must prepay half of the \$505 fee for filing this case. Longbehn v. United States, 169 F.3d 1082 (7th Cir. 1999) (approving calculation of initial partial filing fee of appeal in non-prisoner cases).

I do not intend to certify that the appeal is not taken in good faith.

ORDER

IT IS ORDERED that plaintiff Bahri Begolli's request for leave to proceed in forma pauperis on appeal is GRANTED on the condition that, no later than March 19, 2014, he submit a check or money order made payable to the clerk of court in the amount of \$252.50.

If, by March 19, 2014, plaintiff fails to pay the partial fee or explain his failure to do so, then I will advise the court of appeals of his noncompliance so that it may take whatever steps it deems appropriate with respect to this appeal.

Entered this 5th day of March 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge