

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

ALLEN R. DAKE,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

12-cv-287-wmc

Plaintiff Allen Dake 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 and his spouse's annual gross income, the court subtracts \$3700 for each dependent. 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. Substantial assets or debts require individual consideration. From plaintiff's affidavit of indigency, I find that he and his spouse have a monthly income of \$2,080.00 or an annual income of \$24,960.00. Plaintiff does not have any dependents nor does plaintiff have substantial debts or assets that require consideration. Therefore, I conclude that plaintiff is able to prepay half the fees and costs of commencing this action in the amount of \$175.

Accordingly, IT IS ORDERED that Allen Dake's petition for leave to proceed *in forma pauperis* is GRANTED on the condition that he pay half the filing fee, \$175. Plaintiff must pay the filing fee no later than May 29, 2012. 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 4th day of May, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge