

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

JEANNIE O. OLIVER,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

12-cv-400-wmc

Plaintiff Jeannie Oliver 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 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 \$3,198 or an annual income of \$38,376. Plaintiff has no dependents and although she states that her monthly expenses exceed her income, she does not have any unusually large debts or obligations. Applying the formula above, plaintiff does not qualify for indigent status. Accordingly, if plaintiff wishes to proceed with this action, she will have to pay the full \$350 filing fee.

ORDER

IT IS ORDERED that plaintiff Jeannie Oliver's request for leave to proceed *in forma pauperis* is DENIED because plaintiff does not qualify for indigent status. Plaintiff must pay the filing fee of \$350 no later than June 29, 2012. If she fails to do so, this action may be dismissed for her 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 7th day of June, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge