

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

SUSAN ANN SANDS WEDEWARD,

Plaintiff,

v.

LOCAL 306, NATIONAL POSTAL
MAIL HANDLERS UNION,

Defendant.

ORDER

13-cv-100-bbc

On July 29, 2014, I directed plaintiff Susan Ann Sands Wedeward to submit an affidavit of indigency so that I could determine whether she may appeal in forma pauperis under 28 U.S.C. § 1915. The same day, the clerk's office received an affidavit of indigency from plaintiff. Now, I must consider whether plaintiff is indigent and whether her appeal is taken in good faith. Fed. R. App. P. 24(a).

The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3700 for each dependent excluding plaintiff.
- If the balance is less than \$16,000, plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, plaintiff must

prepay half the fees and costs.

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

In this case, plaintiff has two dependents and no substantial assets. Her monthly income is \$1700, which makes her annual income \$20,400. Plaintiff has two dependents so her adjusted annual income is \$13,000. Because plaintiff's income is less than \$16,000, she is eligible to proceed in forma pauperis on appeal. Longbehn v. United States, 169 F.3d 1082 (7th Cir. 1999) (approving calculation of initial partial filing fee of appeal in non-prisoner cases).

A district court has authority to deny a request for leave to proceed in forma pauperis on appeal under 28 U.S.C. § 1915 for the following reasons: the plaintiff has not established indigence, § 1915(a)(1), the appeal is in bad faith, § 1915(3) or the plaintiff is a prisoner and has earned three strikes, § 1915(g). Sperow v. Melvin, 153 F.3d 780 (7th Cir 1998). I conclude that none of these reasons apply to plaintiff: she has established her indigence; she is not a prisoner; and I do not intend to certify that plaintiff's appeal is not taken in good faith.

ORDER

IT IS ORDERED that plaintiff Susan Ann Sands Wedeward's request for leave to proceed in forma pauperis on appeal is GRANTED. The clerk of court is directed to insure that the court's financial records reflect plaintiff's obligation to pay the \$505 fee for her

appeal.

Entered this 30th day of July, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge