

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

DAN HAWK,
4230 E. Towne Blvd. #291
Madison, WI 53704-3704

Petitioner,

v.

THOMAS BELLAVIA, AAG, WIDOF
Wisconsin Commissioner of Insurance
Wisconsin Department of Financial Institutions
P.O. Box 7857
Madison, WI 53707-7857
Case No. 02-C28156
Case No. 03-TC-332
Case No. 2003CV001487
Case No. S-03038(EX),

WINN COLLINS, ADA
Outagamie County Justice Center
Appleton, WI 54911
Case No. 03-CF-583,

Respondents.

ORDER

03-C-686-C

Petitioner Dan Hawk seeks leave to proceed in forma pauperis in this civil proceeding.

In support of his request, petitioner has submitted an affidavit in which he avers that he

earns an hourly salary of \$16.23 hour or \$33,758 annually, plus \$1248 annually as a veteran's disability payment. He has \$439 between his checking and savings accounts. He owns no assets and owes miscellaneous debt, including back taxes of an unspecified amount. Petitioner avers that his wife lives in South Carolina, and that he pays 1/2 of her automobile lease at the rate of \$250 monthly.

Whether a litigant is indigent in this court is determined by taking petitioner's annual gross income less \$2500 for each dependent, excluding petitioner. If the balance is less than \$11,500, petitioner may proceed without any prepayment of fees and costs. If the balance is greater than \$11,500 but less than \$15,000, petitioner must prepay half the fees and costs. If the balance is greater than \$15,000, petitioner must prepay all fees and costs. However, substantial assets or debts require individual consideration.

Applying this formula, I find that petitioner does not qualify for indigent status. He earns an annual salary of \$33,758 from his job and receives another \$1248 from the United States government. Although petitioner pays \$250 a month toward his wife's automobile lease, he does not suggest that his wife is dependent upon him for food, clothing or shelter. Even if I take into account petitioner's considerable debt and lack of assets, I cannot find that he is incapable of paying the \$150 fee for filing his case. Accordingly, petitioner's request for leave to proceed in forma pauperis will be denied. If petitioner wishes to pursue this action he will have to pay the filing fee.

ORDER

IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis is DENIED because petitioner does not qualify financially for indigent status.

Entered this 12th day of December, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge