

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

ETHEL EMELIA MORRIS-SHAW,

Petitioner,

v.

STORA ENSO NORTH AMERICA CORPORATION,

Respondent.

ORDER

04-C-704-C

This is a civil action brought pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Civil Rights Act of 1991, 42 U.S.C. §§ 2000e. Petitioner has requested leave to proceed in forma pauperis and has supported her request with an affidavit of indigency dated September 20, 2004, and a supplemental affidavit dated October 6, 2004.

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

From petitioner's annual gross income, the court subtracts \$2820 for each dependent excluding the petitioner. If the balance is less than \$11,500, the petitioner may proceed without any prepayment of fees and costs; if the balance is greater than \$11,500 but less than \$15,000, the petitioner must prepay half the fees and costs; and if the balance is greater

than \$15,000, the petitioner must prepay all fees and costs. Substantial assets or debts require individual consideration.

Petitioner does not have any dependents. Although she has been unemployed since October 2003, she is receiving \$329 a week in unemployment benefits. In addition, petitioner owns a condominium worth \$77,530 on which she owes \$59,287 and receives a \$160 a month rental income. Petitioner has stocks totaling \$2000 and a money market account worth \$1600. She owns an automobile worth \$1200. Petitioner pays only \$330 a month in rent, \$50 a month for utilities and can afford \$110 a month for cable television and telephone. She pays \$150 a month toward a \$6000 in credit card debt.

I conclude that petitioner does not qualify for indigent status. Her annual income is \$19,188, and she owns substantial assets that significantly outweigh her debt. Therefore, if she wishes to proceed with this action, petitioner will have to pay the \$150 filing fee.

ORDER

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

Further, IT IS ORDERED that petitioner may have until November 5, 2004, in which to pay the \$150 fee for filing her lawsuit. If, by November 5, 2004, petitioner fails to pay the fee, the clerk of court is directed to enter judgment dismissing this case without

prejudice for petitioner's failure to prosecute it.

Entered this 19th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge