

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

BETTYE J. LAWRENCE,

Petitioner,

v.

VAUGHN REGSTEAD-SLUMBERLAND FURNITURE
and WELLS FARGO NATIONAL BANK,

Respondents.

ORDER

05-C-540-C

This is a civil action in which petitioner alleges that respondents discriminated against her because of her age, race, and disability when they delivered defective merchandise to her home and refused to exchange it. Petitioner has requested leave to proceed in forma pauperis and has supported her request with an affidavit of indigency.

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 has one dependent. She receives a monthly pension payment in the amount of \$1522.73 and \$789 a month in social security benefits. In addition, she owns a three-bedroom home “valued at almost \$200 thousand” in which she has approximately \$130,000 in equity. She does not have any unusual debts. I conclude that petitioner does not qualify for indigent status. Her annual income is \$27,740.76 and she owns a substantial asset that significantly outweighs her debt. Therefore, if she wishes to proceed with this action, petitioner will have to pay the \$250 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 September 26, 2005, in which to pay the \$250 fee for filing her lawsuit. If, by September 26, 2005, 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 13th day of September, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge