

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

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KEVIN SIMILA,

Plaintiff,

ORDER

v.

07-C-0029-C

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

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Kevin Simila seeks judicial review of a decision of the Commissioner of Social Security denying his applications for social security disability benefits, pursuant to 42 U.S.C. § 405(g). Plaintiff seeks leave to commence this civil suit without prepayment of the filing fees and costs or providing security therefor, pursuant to 28 U.S.C. § 1915.

The court is taking no action on plaintiff's application for leave to proceed in forma pauperis at this time because his affidavit in support of his petition omits important information. Specifically, plaintiff asserts that he is married, but does not indicate whether his spouse is employed or how much she earns. (This omission is not plaintiff's fault; the court's standard form does not ask for this information.) Additionally, it is unclear whether plaintiff has fully identified all of his monthly expenses. Notably, the form indicates that his only monthly obligation is a \$150 payment on a loan from People's State Bank. However, I infer that plaintiff must also have monthly obligations for rent, utilities, groceries

and other household expenses. The court needs this information before it can decide whether to grant plaintiff's petition.

ORDER

Accordingly, IT IS ORDERED that Kevin Simila's petition for leave to proceed in forma pauperis is STAYED until he provides to the court a statement identifying his spouses's monthly income, if any. Plaintiff may also wish to provide more information about his monthly obligations. Plaintiff has until February 12, 2007 in which to submit this information. Failure to do so could result in the dismissal of his complaint for failure to prosecute it.

Entered this 23<sup>rd</sup> day of January, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge