

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

GEORGE COOPER,

Petitioner,

v.

BANK OF AMERICA CORPORATION,
CARLOS PENA, NATASH DOE and MR. WOLF,

Respondents.

ORDER

07-C-546-C

This is a civil action in which petitioner alleges that respondents discriminated against him because of his race by refusing to accept his tribal I.D. card in place of a driver's license when he asked to open a banking account. Petitioner has asked for leave to proceed in forma pauperis and has supported his 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.
- If the balance is greater than \$15,000, the petitioner must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, petitioner has no dependents. His monthly income is \$724 and his wife's monthly income is \$822. Under Wisconsin's marital property laws, petitioner's wife's income is considered to be petitioner's as well. Thus, petitioner has a monthly income totaling \$1546, which makes his annual income \$18,552. Neither he nor his wife have any unusual debts. Therefore, petitioner does not qualify for indigent status. If he wishes to proceed with this action, he will have to pay the \$350 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 October 25, 2007, in which to pay the \$350 fee for filing his lawsuit. If, by October 25, 2007, 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 4th day of October, 2007.

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