

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

LORI COPPERNOLL,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

08-cv-382-bbc

Plaintiff Lori Coppernoll has filed a civil suit pursuant to 42 U.S.C. § 405(g) for review of a final decision of the Commissioner of Social Security denying plaintiff's application for social security disability benefits. Plaintiff seeks to commence this lawsuit without prepayment of the filing fees and costs or providing security therefor, pursuant to 28 U.S.C. § 1915.

To determine whether a plaintiff qualifies for indigent status, the court uses the following calculation: From plaintiff's annual gross income, the court subtracts \$3400 for each dependent, excluding the plaintiff. If the balance is less than \$15,000, the plaintiff may proceed without any prepayment of fees and costs; if the balance is greater than \$15,000 but less than \$28,000, the plaintiff must prepay half the fees and costs; and if the balance is greater than \$28,000, the plaintiff must prepay all fees and costs. Substantial assets or debts require individual consideration.

Plaintiff has three dependents. She is married. Plaintiff's husband earns \$3,195 per month and she receives \$400 per month in child support, totaling \$43,140 annually. Subtracting from that amount \$10,200 for the couple's dependents leaves a balance of \$32,940. Applying the formula above, plaintiff's income is close to the intermediate category. She avers that she and her husband have two mortgages, one of which is in foreclosure, and they are in

default on their car loans. Given these facts and plaintiff's other monthly expenses, I will require plaintiff to prepay only half of the fees and costs. Accordingly, if plaintiff wishes to proceed with this action, she will have to pay half the filing fee, or \$175.

I will find plaintiff indigent for the purpose of serving her complaint. If plaintiff pays the partial filing fee, then the clerk shall forward the summons and complaint to the marshal for service in accordance with Fed. R. Civ. P. 4.

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed *in forma pauperis* in this action is denied because she does not qualify for indigent status. However, plaintiff does qualify for a reduced filing fee. Plaintiff is entitled to proceed upon payment of \$175. Also, plaintiff shall be considered indigent for the purposes of service.

Plaintiff may have until September 22, 2008, in which to pay the \$175 fee for filing her lawsuit. If plaintiff fails to pay the fee by that date, then the clerk of court is directed to enter judgment dismissing this case without prejudice for plaintiff's failure to prosecute it. If plaintiff does pay the filing fee, then the clerk is directed to forward the summons and complaint to the marshal for service.

Entered this 27th day of August, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge