

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

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ANTHONY J. RENNA,

Plaintiff,

ORDER

v.

08-cv-682-bbc

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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This is an appeal of an adverse decision of the Commissioner of Social Security brought pursuant to 42 U.S.C. § 405(g). Plaintiff Anthony J. Renna has requested leave to proceed in forma pauperis and has supported his request with an affidavit of indigency dated November 5, 2008.

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 is single and has no dependents. He has no income, but has \$2,000 in a checking account. His monthly expenses total \$610. Applying the formula above, plaintiff

falls into the category where he may proceed without prepaying any fees or costs. Although he has funds in his checking account that would cover the cost of the filing fee, it appears that he is using this money to pay his monthly expenses. Requiring plaintiff to pay the filing fee would impose an undue hardship on him. Accordingly,

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis in this action is GRANTED.

Entered this 11<sup>th</sup> day of December, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge