

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

JOHN CHRISTOPHER MICKELSON,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

09-cv-003-bbc

This is an appeal of an adverse decision of the Commissioner of Social Security brought pursuant to 42 U.S.C. § 405(g). Plaintiff John Christopher Mickelson has requested leave to proceed in forma pauperis and has supported his request with an affidavit of indigency dated January 6, 2009.

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 married. His wife does not work. He has a 13-year-old son and a 16-year-old stepson for whom his wife receives \$350 monthly in child support. Plaintiff states that he is self-employed as an electrician but has not disclosed his monthly income, stating only that it

“varies.” Without even so much as an estimate of what plaintiff earns on an annual or monthly basis, I am unable to determine whether he qualifies for indigent status. Accordingly, I am taking no action on petitioner’s application until he provides more specific information about his income. In particular, petitioner should indicate what he earned in 2007 and 2008, even if it is only a rough approximation. I also note that petitioner has not provided any estimate of what he spends on a monthly basis for food, gas and utilities. Petitioner should include this information in a supplement to his affidavit which he must submit no later than February 2, 2009.

ORDER

IT IS ORDERED that petitioner has until February 2, 2009, to provide additional information in support of his request for leave to proceed in forma pauperis, as specified above. If petitioner fails to submit the requested information or pay the filing fee by February 2, 2009, his complaint will be dismissed for failure to prosecute it.

Entered this 21st day of January, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge