

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

JOHN CHRISTOPHER MICKELSON,

Plaintiff,

ORDER

v.

09-cv-003-bbc

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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 seeks leave to proceed *in forma pauperis*. On January 21, 2009, I entered an order directing plaintiff to provide additional information about his income and monthly expenses. Plaintiff has complied with that order and submitted the requested information.

Plaintiff indicates that his annual gross income in 2007 was \$17,000 and in 2008 was \$25,000. Because petitioner is a self-employed electrician whose income varies from year to year, I will assume that his annual income is the average of those two years, or \$21,000. He has one son and one step son. Because his wife receives child support for the stepson, I have not counted him as a dependent. Plaintiff does not have any substantial assets or debts. Applying the court's formula for determining whether a plaintiff qualifies for indigent status, I find that plaintiff falls into the intermediate category in which he must prepay half the fees and costs. Accordingly,

ORDER

IT IS ORDERED that plaintiff may proceed *in forma pauperis* in this action on the condition that he pay one half the filing fee, or \$175. Plaintiff must pay the filing fee no later than February 17, 2009. If he fails to do so, this action may be dismissed for his failure to prosecute it. Upon receipt of the partial filing fee, the clerk of court shall forward copies of the summons and complaint to plaintiff's lawyer for service.

Entered this 3rd day of February, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge