

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

OWEN PETERSON,

Petitioner,

ORDER

v.

09-cv-0056-bbc

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Respondent.

Plaintiff Owen Peterson 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 his 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 subtracts from plaintiff's annual gross income \$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 and has three dependents. He is not employed. His wife earns \$800 a month, or \$9,6000 annually. They have no substantial assets. Applying the formula above, plaintiff falls into the category where he may proceed without prepayment of the filing fee. Because the costs of service are minimal in this case, I will direct the clerk to mail copies of the summons and complaint to plaintiff's counsel for service.

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed *in forma pauperis* in this action is GRANTED. The clerk is directed to forward the summons and complaint to plaintiff's lawyer for service.

Entered this 13th day of February, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge