

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

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KIM M. ALTHOFF,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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ORDER

11-cv-012-bbc

Plaintiff Kim M. Althoff has filed a 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 and her spouse's annual gross income, the court subtracts \$3700 for each dependent, excluding the plaintiff. If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs; if the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs. If the balance is more than \$32,000, plaintiff must pay the \$350 filing fee. Substantial assets or debts require individual consideration.

From plaintiff's affidavit of indigency, I find that she and her husband have a monthly income of \$3,989 or an annual income of \$47,868. Subtracting \$3,700 for one dependent, their annual income is reduced to \$44,168. Plaintiff does not have substantial debts or assets that require consideration. Therefore, plaintiff is able to prepay the fees and costs of commencing this action in the amount of \$350. Accordingly,

IT IS ORDERED that Kim M. Althoff's motion for leave to proceed *in forma pauperis* is DENIED. Plaintiff must pay the filing fee of \$350 no later than February 15, 2011. If she fails to do so, this action may be dismissed for her failure to prosecute it. Upon receipt of plaintiff's payment, the clerk of court shall issue summonses and forward them to plaintiff's counsel for service.

Entered this 18<sup>th</sup> day of January, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge