

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

RICKY FREUND,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

12-cv-390-wmc

Plaintiff Ricky Freund 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. 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. Substantial assets or debts require individual consideration. Plaintiff is married and his wife earns \$2,600 per month, or \$31,200 annually. Under Wisconsin's marital property laws, plaintiff's wife's income is considered to be plaintiff's as well. Plaintiff has no dependents. Applying the formula above, plaintiff falls into the intermediate category where he must prepay half the fees and costs. Accordingly, if he wishes to proceed with this action, plaintiff will have to pay \$175.

Accordingly, IT IS ORDERED that Ricky Freund's petition for leave to proceed *in forma pauperis* is GRANTED on the condition that he pay half the filing fee, \$175. Plaintiff must pay the filing fee no later than June 27, 2012. If he fails to do so, this action may be dismissed for his 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 1st day of June, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge