

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

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BRIAN JAMES QUICK,

Plaintiff,

v.

MICHAEL ASTRUE,  
Commissioner of Social Security,

Defendant.

ORDER

12-cv-651-bbc

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Plaintiff Brian Quick 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 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 his 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. 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 he and his wife have a monthly income of \$3,280 or an annual income of \$39,360. In addition, plaintiff has received V.A. benefits in the amount of \$3,037. After subtracting \$3,700 for one dependent, his son, plaintiff's annual income is reduced to \$38,697. Plaintiff does not have substantial debts or assets that require consideration. Therefore, I find that plaintiff is able to prepay the fees and costs of commencing this action in the amount of \$350.

IT IS ORDERED that Brian Quick's motion for leave to proceed *in forma pauperis* is DENIED. Plaintiff must pay the filing fee of \$350 no later than October 18, 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 18<sup>th</sup> day of September, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge