

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

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DAVID TOLES and JANELLE BARLASS,

Plaintiffs,

v.

THE CITY OF JANESVILLE,  
OFFICER ROBERT PERKINS and  
OFFICER JIMMY HOLFORD,

Defendants.

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ORDER

12-cv-677-bbc

Plaintiffs David Toles and Janelle Barlass have submitted a proposed complaint. Plaintiffs have asked for leave to proceed *in forma pauperis* and have supported their request with affidavits of indigency. The factors for determining whether a plaintiff qualifies for indigent status are:

- From plaintiff'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 greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiff David Toles has a monthly income of \$1027, and two dependants, which makes his annual income \$4924. Plaintiff Janelle Barlass is unemployed and has no monthly income. Because both plaintiffs have an annual income of less than \$16,000, they can proceed without any prepayment of fees or costs.

Accordingly, IT IS ORDERED that plaintiffs' complaint is taken under advisement. As soon as the court's calendar permits, the complaint will be screened pursuant to 28 U.S.C. § 1915 to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiffs will be notified promptly when such a decision has been made. In the meantime, if plaintiffs need to communicate with the court about this case, they should be sure to write the case number shown above on their communication.

Entered this 28<sup>th</sup> day of September, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge