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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kim Brown-Hunter,
Plaintiff,
vs.
Michael J. Astrue,
Defendant.

No. CV-11-2573-PHX-FJM

ORDER

Our order of March 25, 2016 (doc. 48) noted several deficiencies in plaintiff’s motion for leave to proceed in forma pauperis (doc. 46). We now have before us plaintiff’s response (doc. 49) and supplemental response (doc. 50).

Plaintiff has failed to satisfactorily explain how she was able to afford the initial filing fee in this case (doc. 1) and the filing fee on appeal (doc. 25), and now claim not to be able to do the same for her second appeal.

The response asserts that plaintiff “lives with her family.” Doc. 49 at 1. The utility bills provided are in the name of her son. Id. at 2. There is no evidence to support a claim that she pays them.

I do not find it credible that she cannot pay the filing fee on her second appeal. If plaintiff’s counsel believes that, he is able to advance the fee under his contingent fee agreement. Doc. 49 at 3.

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Accordingly, it is ORDERED DENYING plaintiff's Motion for Leave to Proceed in Forma Pauperis (doc. 46). It is further ORDERED that pursuant to Rule 24(a)(4), Fed. R. App. P., the clerk shall immediately notify the parties and the court of appeals of this denial.

DATED this 12th day of April, 2016.

Frederick J. Martone
Frederick J. Martone
Senior United States District Judge