

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

KERRY L. GARNER

PLAINTIFF

v.

CIVIL NO. 10-2099

MICHAEL J. ASTRUE, Commissioner  
Social Security Administration

DEFENDANT

**ORDER**

Plaintiff has submitted a complaint for filing in this district, together with a request for leave to proceed *in forma pauperis*. After review, it is found that Plaintiff is unable to pay for the costs of commencement of suit and, accordingly, the following order is entered this 9<sup>th</sup> day of July 2010:

Plaintiff's motion for leave to proceed *in forma pauperis* is granted. The clerk is directed to file the complaint *nunc pro tunc* as of July 8, 2010. Additionally, the court directs that a copy of the complaint, along with a copy of this order, be served by Plaintiff by certified mail, return receipt requested, on Defendant, Michael J. Astrue, Commissioner, Social Security Administration, as well as Eric H. Holder, Jr., U.S. Attorney General, and Mark W. Webb, Assistant U.S. Attorney, without prepayment of fees and costs. The Defendant is ordered to answer within sixty (60) days from the date of service.

IT IS SO ORDERED.

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

JUL 09 2010

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK

  
HON. JAMES R. MARSCHEWSKI  
CHIEF U.S. MAGISTRATE JUDGE