

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

CARLETUS ADAMS

PLAINTIFF

v.

CIVIL NO. 10-2188

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

ORDER

On December 7, 2010, Plaintiff submitted a complaint for filing in this district, together with a request for leave to proceed *in forma pauperis* (“IFP”). ECF Nos. 1, 3. On December 9, 2010, an order was issued directing Plaintiff to provide more information on his IFP application. ECF No. 4. Pursuant to the order, he submitted an amended IFP application on December 13, 2010. ECF No. 5.

The purpose of 28 U.S.C. § 1915 is to ensure that indigent litigants have an entre, not a barrier, to the federal courts. *In re Williamson*, 786 F.2d 1336, 1338 (8th Cir. 1986) (quoting *Souder v. McGuire*, 516 F.2d 820, 823 (3rd Cir. 1975)). Although a claimant need not be “completely destitute” to take advantage of the IFP statute, he or she must show that paying the filing fee would result in an undue financial hardship. *Williamson*, 786 F.2d at 1338.

Plaintiff’s amended IFP application indicates that he receives approximately \$2,774 in VA benefits on a monthly basis, which amounts to \$33,288 per year. Pl.’s Am. IFP 2. Plaintiff pays \$468 in child support per month and rents a townhouse for \$515 per month. *Id.* He has no legal dependents, but lives with his girlfriend and her three children. *Id.* After Plaintiff’s listed expenses are deducted, he receives approximately \$21,612 per year. *Id.*

We find that Plaintiff's yearly income of \$21,612 provides more than enough support to enable him to pay the \$350 filing fee. Furthermore, he has not shown that paying the filing fee would create an undue financial hardship. For these reasons, Plaintiff's motion for leave to proceed IFP is denied. Plaintiff is directed to tender the filing fee on or before January 14, 2011. Should he fail to comply within the required period of time, his complaint will become subject to summary dismissal for failure to obey a court order.

IT IS SO ORDERED this 14th day of December 2010.

/s/ J. Marschewski

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