

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

JONATHAN T. WAGONER

PLAINTIFF

v.

CIVIL NO. 09-3076

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

ORDER

On November 23, 2009, Plaintiff submitted a complaint for filing in this district, together with a request for leave to proceed *in forma pauperis*. (Doc. #1). On November 24, 2009, an order was issued directing the Clerk to provisionally file the complaint prior to a determination regarding Plaintiff's status as a pauper. (Doc. #2). Pursuant to the order, Plaintiff submitted an amended *in forma pauperis* application on December 2, 2009. (Doc. #4).

Plaintiff's amended *in forma pauperis* application indicates that he holds stock and mutual funds worth approximately \$30,000, from which he may freely draw without penalty. Although Plaintiff states that these funds are for the benefit of his children's education, the court finds that the free transferability of these assets does not support a finding that Plaintiff is a pauper.

Accordingly, Plaintiff's motion for leave to proceed *in forma pauperis* is denied. Plaintiff is hereby directed to tender the filing fee of \$350 on or before December 17, 2009. Should Plaintiff 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 4th day of December 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE