

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

JIM S. MARTIN, as surviving spouse
of Sue Rudd Martin,
Petitioner,

vs.

5:09cv335/SPM/MD

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Respondent.

ORDER

The original claimant, Sue Rudd Martin, is deceased and Jim S. Martin, her surviving spouse, has been substituted as the plaintiff in this action. (Doc. 8). This cause is now before the court upon the pending motion to proceed *in forma pauperis* (doc. 3). The motion was signed by counsel for the plaintiff, and the supporting affidavit contains no information other than the notation "Claimant is deceased." Because the court cannot determine the plaintiff's eligibility for *in forma pauperis* status, the motion will be denied. Within thirty days from the date of this order, plaintiff shall either pay the full \$350.00 filing fee, or in the alternative, submit a signed *in forma pauperis* motion, including an affidavit of financial status signed by Jim S. Martin as representative of his late wife, that reflects the assets and/or financial status of Sue Rudd Martin.

Accordingly, it is ORDERED:

The pending motion to proceed *in forma pauperis* (doc. 3) is DENIED without prejudice. Within thirty (30) days from the date of this order, plaintiff shall either pay the

full \$350.00 filing fee, or submit a new motion to proceed *in forma pauperis* along with an affidavit of financial status reflecting the assets of Sue Rudd Martin, as set forth herein.

Failure to comply with this order may result in a recommendation that this case be dismissed for failure to prosecute or failure to comply with an order of the court.

DONE AND ORDERED this 29th day of October, 2009.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**