

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LINDA K. JOHNSON,

Plaintiff,

v.

UNIVERSITY OF ILLINOIS,

Defendant.

Case No. 10-CV-0274-MJR

ORDER

REAGAN, District Judge:

Linda Johnson has moved, pursuant to 28 U.S.C. § 1915, for the Court to allow her to commence her ADA suit against the University of Illinois without prepayment of fees. (Doc. 2.) She has also moved for service of process at government expense. (Doc. 4.) Unfortunately, Johnson cannot proceed *in forma pauperis* because, based on her affidavit, she is able to pay the filing fee. She is still employed by the University of Illinois and takes home \$759 per month. She also takes home \$1365 monthly in disability benefits. Her recurring monthly expenses are about \$1500. Based on this information, her monthly disposable income is approximately \$624. She also has \$850 in her savings account and owns a house and a car (both under mortgage). These are enough resources to pay the \$350 filing fee, so the Court cannot find that Johnson “is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1) (2006); *see also Smith-Bey v. Hosp. Adm’r*, 841 F.2d 751, 757 (7th Cir. 1988) (noting that “district courts must make a preliminary determination that the prospective litigant is indigent” (citing *Jones v. Morris*, 777 F.2d 1277, 1279 (7th Cir. 1985))).

Because Johnson is not indigent and can pay the filing fee, the Court **DENIES** Johnson’s motion to sue *in forma pauperis* (Doc. 2). The Court also **DENIES** her motion for service of process at government expense (Doc. 4) because Johnson is not entitled to service at government expense due to being unable to sue *in forma pauperis*. Johnson has until **June 16, 2010** to pay the filing fee to

the Clerk of Court. If she does not pay the filing fee by that date, her case will be **DISMISSED** without prejudice.

IT IS SO ORDERED.

DATED May 12, 2010.

s/ Michael J. Reagan

MICHAEL J. REAGAN
United States District Judge