

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CORBIN D. JONES,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. 18-cv-592-JPG-CJP

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Corbin D. Jones's motion for leave to proceed *in forma pauperis* in his petition for review of a decision by the Social Security Administration (Doc. 4). A federal court may permit an indigent party to proceed without prepayment of fees. 28 U.S.C. § 1915(a)(1). Nevertheless, a court can deny a qualified plaintiff leave to file *in forma pauperis* or can dismiss a case if the action is clearly frivolous or malicious. 28 U.S.C. § 1915(e)(2)(B)(i). The test for determining if an action is frivolous or without merit is whether the plaintiff can make a rational argument on the law or facts in support of the claim. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Corgain v. Miller*, 708 F.2d 1241, 1247 (7th Cir. 1983). When assessing a motion to proceed *in forma pauperis*, a district court should inquire into the merits of the plaintiff's claims, and if the court finds them to be frivolous, it should deny leave to proceed *in forma pauperis*. *Lucien v. Roegner*, 682 F.2d 625, 626 (7th Cir. 1982).

The Court is satisfied from Jones's affidavit that he is indigent. However, the Court has reviewed his filings with the Court to date and has formed the impression that he may be seeking Social Security benefits as an original matter rather than appealing a decision from the

Commissioner of Social Security. The Court cannot say whether his action is frivolous or malicious without knowing whether this is a bona fide appeal of an administrative decision or a misguided effort to apply for benefits. The Court **RESERVES RULING** on the motion for leave to proceed *in forma pauperis* (Doc. 4) and **ORDERS** that Jones shall have up to and including May 11, 2018, to file an amended complaint with more details about his claim such as, for example, the date of his application for Social Security benefits, the date of the Appeals Council's decision denying review, and any other pertinent information relative to an administrative decision rendered by the Social Security Administration. Should Jones fail to amend his complaint with sufficient detail to allow the Court to assess whether it is a bona fide appeal of an administrative decision, the Court may deny him leave to proceed *in forma pauperis* and may dismiss this case as frivolous or malicious or because it fails to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B).

The Court advises Jones that if he seeks disability benefits or supplemental security benefits from the Social Security Administration and he has not yet filed an application for benefits, he may consult the Social Security Administration's webpage about applying for those types of benefits (<https://www.ssa.gov/benefits/disability/>), call the agency (1-800-772-1213) or visit his local Social Security office (Federal Building, 105 S. 6th Street, Mount Vernon, IL 62864; 1-866-931-2549) for more information.

IT IS SO ORDERED.
DATED: April 11, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE