

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ALBERTA STRONG,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 12-4120-RDR-KGG
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER, SSA)	
)	
Defendant.)	
_____)	

ORDER ON IFP STATUS

With the assistance of counsel, Plaintiff Alberta Strong filed a federal court Complaint appealing a ruling by an Administrative Law Judge that denied her application for Social Security disability benefits. (Doc. 1.) In conjunction with her Complaint, Plaintiff also filed a Motion to Proceed Without Prepayment of Fees (*IFP* Application, Doc. 3, sealed).

Under 28 U.S.C. § 1915(a), a federal court may authorize commencement of an action without prepayment of fees, costs, etc., by a person who lacks financial means. 28 U.S.C. § 1915(a). In so doing, the court considers the affidavit of financial status included with the application. *See id.*

There is a liberal policy toward permitting proceedings *in forma pauperis* when necessary to ensure that the courts are available to all citizens, not just those

who can afford to pay. *See generally, Yellen v. Cooper*, 828 F.2d 1471 (10th Cir. 1987). In construing the application and affidavit, courts generally seek to compare an applicant's monthly expenses to monthly income. *See Patillo v. N. Am. Van Lines, Inc.*, No. 02-2162, 2002 WL 1162684, at *1 (D.Kan. Apr. 15, 2002); *Webb v. Cessna Aircraft*, No. 00-2229, 2000 WL 1025575, at *1 (D.Kan. July 17, 2000) (denying motion because "Plaintiff is employed, with monthly income exceeding her monthly expenses by approximately \$600.00").

According to her *IFP* Application, Plaintiff's modest monthly income derives from alimony and public assistance. (*Id.*, at 3-4.) She indicates, however, that her alimony was "paid off in September 2012." (*Id.*, at 9.) As such, she has been "depend[ing] on friends and family to pay [her] bills." (*Id.*) She lists typical monthly expenses, including rent, utilities and medical expenses. (*Id.*, at 7.) She has only a very small amount of cash on hand. (*Id.*, at 5.) She does not own an home and has a modest automobile. (*Id.*)

Considering all of the information contained in the financial affidavit, the Court finds that Plaintiff has established that her access to the Courts would be severely inhibited absent a finding of *IFP* status. The Court therefore **GRANTS** Plaintiff leave to proceed *in forma pauperis* and directs that this case be filed without payment of a filing fee.

IT IS THEREFORE ORDERED that Plaintiff's Request to Proceed *In Forma Pauperis* (Doc. 1) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk's office shall proceed to issue summons in this case.

Dated at Wichita, Kansas, on this 7th day of January, 2013.

S/ KENNETH G. GALE

KENNETH G. GALE

United States Magistrate Judge