

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

MARQUES V. NOLAN-BEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-1196-JTM-KGG
)	
WICKHAM GLASS, INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**MEMORANDUM & ORDER ON
MOTION TO PROCEED WITHOUT PREPAYMENT OF FEES**

Plaintiff’s federal court Complaint brings a national origin employment discrimination claim against Defendants. (*See generally*, Doc. 1.) In conjunction with his federal court Complaint, Plaintiff has filed a Motion to Proceed Without Prepayment of Fees (*IFP* Application, Doc. 3, sealed), with an accompanying Affidavit of Financial Status (Doc. 3-1, sealed). Having reviewed Plaintiff’s motion, as well as his financial affidavit and Complaint, the Court **GRANTS** Plaintiff’s motion for *IFP* status.

A. Motion to Proceed *IFP*.

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").

In his supporting financial affidavit, Plaintiff indicates he is 31 years old and single, with no dependents. (Doc. 3-1, sealed, at 1-2.) Plaintiff indicates he is currently employed as a custodian, but lists "\$0" as his wage, leading the Court to surmise that the employment listed may not be current. (*Id.*, at 2.) He lists no other sources of income and only a small amount of cash on hand. (*Id.*, at 4-5.) He owns no real property and does not own an automobile, although he appears to have access to a car owned by someone else. (*Id.*, at 3-4.) He lists certain monthly expenses, including groceries, gas, insurance, and telephone. (*Id.*, at 5.) He does not list a rent expense, however, and states that he is "homeless, but lives with

Aunt from time to time.” (*Id.*, at 5.) He also lists a student loan debt that he pays every two weeks. (*Id.*) He has not previously filed for bankruptcy. (*Id.*, at 6.)

Considering all of the information contained in the financial affidavit, the Court finds that Plaintiff has established that his access to the Court would be significantly limited absent the ability to file this action without payment of fees and costs. The Court **GRANTS** Plaintiff leave to proceed *in forma pauperis* (Doc. 3, sealed).

IT IS THEREFORE ORDERED that Plaintiff’s motion for *IFP* status (Doc. 3) is **GRANTED**.

IT IS SO ORDERED.

Dated at Wichita, Kansas, on this ____ day of August, 2017.

KENNETH G. GALE
United States Magistrate Judge