

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

NICHOLAS HASSELBACK

PLAINTIFF

v.

CIVIL ACTION NO. 3:17-CV-00307-CRS

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff Nicholas Hasselback's Application to Proceed in District Court Without Prepaying Fees or Costs ("Hasselback's application"), ECF No. 3. The Court referred the matter to the magistrate judge for report and recommendation under 28 U.S.C. § 636(b). Case Assignment, ECF No. 5. The magistrate judge recommended that the Court deny Hasselback's application. R. & R. 4, ECF No. 6. Hasselback has not objected.

The Court agrees with the conclusions of the magistrate judge. As the magistrate judge observed, according to Hasselback's application, he is unemployed and has no individual monthly earned income. Appl. 1, 4, ECF No. 3. But his spouse has a monthly income of \$2,483.00 from employment at General Electric. Id. The couple has \$300.00 in a checking account. Id. at 4. They also own two vehicles: a 1998 Dodge Dakota and a 2007 Chevy Cobalt. Id. at 5. Hasselback identified \$1,450.00 in monthly expenses. Id. at 3. They have three minor children in their care. Id. at 5.

The magistrate judge recommended that Hasselback's application be denied because when their \$2,483.00 in monthly income is offset by their disclosed monthly expenses of \$1,450.00, the couple has a net disposable monthly income of \$1,030.00. R. & R. 2, ECF No. 6.

The magistrate judge recommended that Hasselback's application be denied without prejudice so that Hasselback may refile in the event that any significant re-occurring monthly expenses have been omitted inadvertently. Id. at 4. The Court agrees with this recommendation. Hasselback has not demonstrated that he is unable to pay the filing fee in this case. See 28 U.S.C. § 1915(a).

Accordingly, **IT IS HEREBY ORDERED AND ADJUDGED** that the magistrate judge's report and recommendation is **ADOPTED**.

IT IS FURTHER ORDERED AND ADJUDGED that Hasselback's application is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

July 14, 2017

A handwritten signature in black ink, appearing to read 'Charles R. Simpson III', is written over a faint circular seal. The seal contains the text 'U.S. DISTRICT COURT' and 'SOUTH DISTRICT OF NEW YORK'.

**Charles R. Simpson III, Senior Judge
United States District Court**