

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18-cv-124-GCM**

EUGENE N. CAMP, JR.,)
)
 Plaintiff,)
)
vs.)
)
NANCY A. BERRYHILL,)
Acting Commissioner of Social Security,)
)
 Defendant.)
_____)

ORDER

THIS MATTER is before the Court on Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs, (Doc. No. 2).

In this matter, Plaintiff is seeking review of a final determination denying his claim for Supplemental Security Income. See (Doc. No. 1). Plaintiff has filed an application to proceed *in forma pauperis* which is pending before the Court. (Doc. No. 2).

The Court has considered Plaintiff’s affidavit, which shows that his spouse has monthly income of \$3,167. (Doc. No. 2 at 1-2). He lists as assets \$300 in a joint checking account, \$2,700 in a joint savings account, a home worth \$120,000, and motor vehicles worth a total of \$14,000. (Doc. No. 2 at 2-3). The family’s monthly expenses total \$2,564, including \$680 for housing, \$450 for utilities, and \$600 for food. (Doc. No. 2 at 4-5). He expects major changes to his monthly liabilities within the next twelve months in that his spouse has \$121,000 in federal student loans that will come due within the next year. (Doc. No. 2 at 5). He expects to spend 25% of his back pay benefit to his lawyer in connection with this case. (Doc. No. 2 at 5).

Considering Plaintiff’s representations in his financial affidavit, it appears that he has substantial assets and his spouse’s monthly income presently exceeds the family’s monthly

expenses. Therefore, the Court finds that Plaintiff is able to pay at least a portion of the filing fee each month until the fee is paid in full. The Court will, therefore, allow Plaintiff to pay monthly installments of \$20 until the fee is paid in full.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff's Motion to Proceed in Forma Pauperis, (Doc. No. 2), is **DENIED** to the extent that Plaintiff shall pay the filing fee in monthly installments of \$20 until the fee is paid in full. Plaintiff shall pay the initial \$20 installment to the Clerk's office within ten days of this Order.
- (2) The Clerk of Court is directed to notify the United States Marshal who, pursuant to FED. R. CIV. P. 4(c)(3), shall serve process upon Defendant, in accordance with FED. R. CIV. P. 4(i)(1) and (2), and/or as directed by Plaintiff through Plaintiff's counsel. All costs of service shall be advanced by the United States. Any recovery in this action will be subject to payment of fees and costs, including service of process fees and the \$400.00 filing fee.

Signed: May 14, 2018



Graham C. Mullen
United States District Judge

