

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:15-cv-10-FDW**

TERRI LEE JENKINS,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
CAROLYN W. COLVIN,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on Plaintiff’s Motion to Proceed in Forma Pauperis.¹ (Doc. No. 2).

In this matter, Plaintiff is seeking review of a final determination of the Commissioner of Social Security denying Plaintiff’s claim for a period of disability and disability insurance benefits. (Doc. No. 1). Plaintiff’s affidavit shows that Plaintiff has received no income during the past twelve months, and she expects to receive no income in the next month. (Doc. No. 2 at 1-2). Plaintiff reports in her affidavit that her spouse received a monthly income of \$2568.67 during the past twelve months, and her spouse expects to receive the same amount next month. (Id.). Plaintiff reports that she has total monthly expenses of \$100.00 and that her spouse has total monthly expenses of \$1670.57, for total household monthly expenses of \$1770.57. Plaintiff reports that she and her spouse have \$40.00 in cash and that her spouse has \$40.00 in a checking

¹ Plaintiff’s motion to proceed in forma pauperis applies only to the filing and service fees, as Plaintiff is represented by counsel.


account. (Id. at 2). In explaining why she cannot afford to pay the filing fee, Plaintiff states that “[w]e can only afford \$100.00 a month for food, so there is no money for anything else. If there was, we would have more food to eat. We can’t afford anything extra. We are just breaking even each month with my husband’s net pay per month.” (Id. at 5).

This Court finds that, in only considering Plaintiff’s application, it appears that Plaintiff and her spouse have \$798.10 in discretionary income each month after expenses have been paid. The Court further notes, however, that, in an “Addendum” to the application to proceed in forma pauperis, Plaintiff sets forth her spouse’s net monthly income as being \$983.29. (Doc. No. 2-1 at 1). The Addendum indicates that some of Plaintiff’s spouse’s stated monthly expenses, such as the house payment and “a loan” that Plaintiff does not identify, are being automatically deducted from her spouse’s paycheck. Plaintiff reports that, after all deductions are taken from her spouse’s paycheck, she and her spouse actually have a net monthly household income of \$983.29. Plaintiff also states in the Addendum that the net monthly household expenses total \$971.01, leaving discretionary monthly income of only \$12.28. Plaintiff has apparently not included in this figure (\$971.01) the household expenses that are listed as expenses in her application and that are deducted from her spouse’s paycheck. The Court will require Plaintiff to submit to the Court a statement clearly identifying and setting forth each expense (including description and precise amount for each) listed in her application as a monthly expense that is currently being automatically deducted from her spouse’s paycheck. In other words, this Court needs a clearer picture of Plaintiff’s net monthly household income versus Plaintiff’s net monthly household expenses.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff shall re-submit to the Court, with the assistance of her counsel if necessary, her IFP application and any additional information in a way that clearly sets forth Plaintiff's net monthly household income versus Plaintiff's net monthly household expenses. Plaintiff shall have 20 days from entry of this Order to submit this information to the Court.

Signed: January 29, 2015



Frank D. Whitney
Chief United States District Judge

