

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

JACOB BENEDICT MAHOWALD, KARI L.  
MAHOWALD,

Plaintiffs,

vs.

TRANSPORTATION SECURITY  
ADMINISTRATION, U.S. DEPARTMENT OF  
HOMELAND SECURITY;

Defendant.

4:18-CV-04024-LLP

ORDER

Plaintiffs, Jacob Mahowald and Kari Mahowald, filed a pro se complaint pursuant to the Federal Tort Claims Act. Docket 1. Jacob Mahowald requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Docket 3. A federal court may authorize the commencement of suit without prepayment of fees when an applicant files an affidavit stating that he is unable to pay the costs of the lawsuit. 28 U.S.C. § 1915. In forma pauperis status is a privilege rather than a right. *See, e.g., Williams v. McKenzie*, 834 F.2d 152, 154 (8th Cir. 1987) (discussing the right to proceed in forma pauperis in a nonprisoner case). Determining whether an applicant is sufficiently impoverished to qualify to proceed in forma pauperis under § 1915 is committed to the court's discretion. *Cross v. Gen. Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983). "In forma pauperis status does not require a litigant to demonstrate absolute destitution." *Lee v. McDonald's Corp.*, 231 F.3d 456, 459 (8th Cir. 2000). Jacob Mahowald has provided an application showing his is unable to pay the filing fee. Docket 3. The Court finds that Jacob Mahowald qualifies under § 1915 to proceed in forma pauperis.

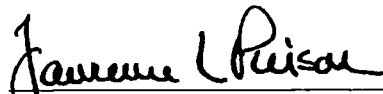
Kari Mahowald has not requested leave to proceed in forma pauperis or paid the filing fee. If Kari Mahowald wishes to proceed, the Court will allow her thirty (30) days either to pay the filing fee or to file a motion to proceed in forma pauperis. If Kari Mahowald decides not to pay the filing fee or to file a motion to proceed in forma pauperis, the Court will dismiss her as a plaintiff in this action. Upon a good cause showing by Kari Mahowald of a need for additional time, the Court will grant additional time. The Court prefers, however, that this issue proceed as promptly as possible to decision and judgment.

Accordingly, it is ORDERED

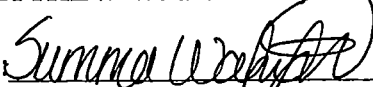
1. Jacob Mahowald's motion for leave to proceed in forma pauperis (Docket 3) is granted. The filing fee is waived.
2. Jacob Mahowald will keep the court informed of his current address at all times. All parties are bound by the Federal Rules of Civil Procedure and by the court's Local Rules while this case is pending.
3. Kari Mahowald has thirty (30) days from the date of this Order to pay the filing fee in full or to move for leave to proceed in forma pauperis or Kari Mahowald will be dismissed as a plaintiff in this action unless additional time has been granted upon a showing of good cause for more time being needed.

Dated this 8th day of March, 2018.

BY THE COURT:

  
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Lawrence L. Piersol  
United States District Judge

ATTEST:  
MATTHEW W. THELEN, CLERK

BY:   
\_\_\_\_\_  
Deputy