

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHAWN L. OWENS,

Plaintiff,

v.

Case No. 13-C-253

**CAROLYN W. COLVIN,
Acting Commissioner of the Social Security
Administration,**

Defendant.

DECISION AND ORDER

Pursuant to 42 U.S.C. § 405(g), the pro se Plaintiff, Shawn L. Owens (“Owens”), filed an action for judicial review of the final decision of the Acting Commissioner of the Social Security Administration denying his application for Social Security disability benefits for lack of disability. Owens also filed a petition for leave to proceed *in forma pauperis* in this action.

In order to authorize a litigant to proceed *in forma pauperis*, the Court must make two determinations: 1) whether the litigant is unable to pay the costs of commencing the action; and, 2) whether the action is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. §§ 1915(a)(1) & (e)(2).

Owens’ petition and affidavit to proceed *in forma pauperis* state that he is not employed, is not married, and has three legal dependents. Other than \$10.00, he does not own

any stocks, bonds, notes, or other valuable property (excluding clothing and ordinary household items).

Owens receives Wisconsin-Works (W-2) benefits for disabled persons which provide him with monthly income of \$608.00. His monthly expenses are \$1,000.00, and exceed his income.

Based on the information provided, the Court concludes that Owens satisfies the requirements of § 1915. He is unable to pay the costs of commencing this action, and the action states a claim on which relief may be granted and does not appear to be frivolous or malicious.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Owens' petition for leave to proceed *in forma pauperis* (ECF No. 2) is **GRANTED.**

Dated at Milwaukee, Wisconsin this 7th day of March, 2013.

BY THE COURT


Hon. Rudolph T. Randa
U.S. District Judge