UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

CHARLES THOMAS HAWLEY,

Plaintiff.

-vs-

Case No. 14-C-1511

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

DECISION AND ORDER

Plaintiff Charles Thomas Hawley ("Hawley") seeks leave to proceed in forma pauperis ("IFP") (ECF No. 2) on his appeal from the denial of his application(s) for social security disability insurance benefits. In order to authorize a litigant to proceed IFP, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By his petition and affidavit to proceed IFP, Hawley avers that he is

single. Monthly, Hawley receives \$191 in public assistance. Hawley has no valuable tangible property and has no funds in a checking or savings account. Hawley's monthly expenses exceed his monthly total income.

Based on the information provided, Hawley has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that he is unable to pay the \$350 filing fee for this action. Furthermore, Hawley's Complaint states an arguable claim for relief. Accordingly, Hawley's petition for leave to proceed IFP is granted.

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

Hawley's petition for leave to proceed IFP (ECF No. 2) is GRANTED.

Dated at Milwaukee, Wisconsin, this 17th day of December, 2014.

BY THE COURT:

HON. RUDOLPH T. RANDA

U.S. District Judge