

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

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**BOBBY McGUIRE,**

Plaintiff,

-vs-

**Case No. 15-C-0093**

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

Defendant.

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**DECISION AND ORDER**

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Plaintiff Bobby McGuire (“McGuire”) 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, McGuire avers that he is single. Monthly, McGuire receives \$189 in public assistance. McGuire owns a 2001 Chrysler Sebring worth \$6,000. However, he owns no other valuable tangible property and has no funds in a checking or savings account. McGuire's monthly expenses of \$347 exceed his monthly total income.

Based on the information provided, McGuire 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, McGuire's Complaint states an arguable claim for relief. Accordingly, McGuire's petition for leave to proceed IFP is granted.

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

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

Dated at Milwaukee, Wisconsin, this 27th day of January, 2015.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**