

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

DAVID L. WEBSTER,

Plaintiff,

-vs-

Case No. 15-C-0520

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

Defendant.

DECISION AND ORDER

Plaintiff David L. Webster (“Webster”) seeks leave to proceed *in forma pauperis* (“IFP”) (ECF No. 3) on his appeal from the denial of his applications 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, Webster avers that he is

single and receives \$1,171 in disability compensation monthly. Webster owns a 1999 Ford Van worth \$250. However, he owns no other valuable tangible property and has no funds in a checking or savings account. Webster's monthly expenses of \$985 exceed his monthly total income by \$186.

As a practical matter, there is no indication that he has the financial capacity to pay the \$350 filing fee for this action. Therefore, he has demonstrated that he satisfies the requirements of 28 U.S.C. § 1915(a). Furthermore, Webster's Complaint states an arguable claim for relief. Accordingly, Webster's petition for leave to proceed IFP is granted.

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

Webster's petition for leave to proceed IFP (ECF No. 3) is **GRANTED.**

Dated at Milwaukee, Wisconsin, this 7th day of May, 2015.

BY THE COURT:


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