

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

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**JAMES TUNIS,**

**Plaintiff,**

**v.**

**Case No. 15-C-582**

**CAROLYN W. COLVIN,**

**Acting Commissioner of the Social Security Administration  
Defendant.**

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**ORDER**

Plaintiff James Tunis seeks judicial review of a decision by the Commissioner of the Social Security Administration. Pursuant to 28 U.S.C. § 1914(a), a plaintiff must pay a filing fee to bring an action in federal court, but plaintiff requests leave to proceed in forma pauperis. Under 28 U.S.C. § 1915(a)(1), an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.”

Plaintiff has filed the required affidavit, and on review I am satisfied that he meets the requirements of § 1915(a)(1). Plaintiff’s household income (his SSI, his spouse’s employment earnings, and food stamps) is subsumed by expenses. They own no real estate or other valuable property aside from a nine year old vehicle. Finally, plaintiff indicates that he believes he is entitled to the relief sought in the complaint, and on review of the complaint I am unable to determine that the action is frivolous or that the complaint fails to state a claim.

**THEREFORE, IT IS ORDERED** that plaintiff's petition to proceed in forma pauperis (R. 3) is **GRANTED**. The file will be returned to the Clerk of Courts for service on defendant.

Plaintiff is advised to provide defendant or her counsel with copies of all future motions or papers filed by plaintiff in this action.

Dated at Milwaukee, Wisconsin this 19<sup>th</sup> day of May, 2015.

/s Lynn Adelman  
LYNN ADELMAN  
District Judge