

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

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**VERGIE M. SMITH,**

Plaintiff,

-vs-

**Case No. 15-C-873**

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

Defendant.

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**DECISION AND ORDER**

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Plaintiff Vergie M. Smith (“Smith”) seeks leave to proceed *in forma pauperis* (“IFP”) (ECF No. 2) on her appeal from the denial of her applications for social security disability benefits and supplemental security income. 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 her petition and affidavit to proceed IFP, Smith avers that she is married and has no persons whom she is legally responsible to support.

Smith receives \$334 in public assistance each month, and her spouse receives monthly income of \$888 (\$248 in disability compensation and \$640 in retirement income). Neither she nor her spouse own a motor vehicle. They have no funds in a financial account and have no valuable tangible or intangible property. Smith's monthly expenses exceed her monthly total income by \$3.

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

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

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

Dated at Milwaukee, Wisconsin, this 23rd day of July, 2015.

**BY THE COURT:**

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