

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

TAD LEE SAUNDERS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

Case No. 17-CV-109-JPS

**ORDER**

Tad Lee Saunders filed a complaint in this matter and a motion for leave to proceed without prepayment of the filing fee. (Docket #1 and #4). The Court may grant the plaintiff's motion to proceed without prepayment of the filing fee if it determines that: (1) the plaintiff is truly indigent and unable to pay the costs of commencing this action; and (2) the plaintiff's action is neither frivolous nor malicious. 28 U.S.C. §§ 1915(a), (e)(2).

As to the first requirement, the privilege to proceed without payment of costs and fees "is reserved to the many truly impoverished litigants who...would remain without legal remedy if such privilege were not afforded to them." *Brewster v. North Am. Van Lines, Inc.*, 461 F.2d 649, 651 (7th Cir. 1972). In his motion for leave to proceed *in forma pauperis*, the plaintiff made statements about his income under oath. (Docket #4). His statements show that his monthly income totals \$1,232.00, which comes entirely from his wife's wages. *Id.* at 2. He further asserts that after tax, her net pay is \$875.00. *Id.* at 4. The family has also received over four thousand dollars in the past twelve months via various means of public assistance. *Id.* at 2. He owns no property and claims that he has \$5.00 in savings. *Id.* at 3-4. The family's

expenses for rent, groceries, and other bills exceeds \$1,300.00. *Id.* at 2. As his expenses exceed his income, the Court is satisfied that the plaintiff is indigent and cannot afford the filing fee.


The plaintiff's action also is not frivolous or malicious. The plaintiff submitted a complaint, which includes an allegation that the Administrative Law Judge ("ALJ") erred in reaching a decision. (Docket #1). If that contention is true, then the Court will be obliged to vacate the ALJ's decision. Thus, the plaintiff's action is neither frivolous nor malicious. For those reasons, the Court will grant the plaintiff's motion for leave to proceed without prepayment of the filing fee.

Accordingly,

**IT IS ORDERED** that the plaintiff's motion for leave to proceed without prepayment of the filing fee (Docket #4) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 25th day of January, 2017.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge