

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

SHARON BOLTER,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,

Defendant.

Case No. 17-CV-253-JPS

ORDER

Sharon Bolter filed a complaint in this matter and a motion for leave to proceed *in forma pauperis*. (Docket #1, #2). The Court may grant Plaintiff's motion to proceed *in forma pauperis* if it determines that: (1) Plaintiff is truly indigent and unable to pay the costs of commencing this action; and (2) 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 her motion for leave to proceed *in forma pauperis*, Plaintiff made statements about her income, expenses, and assets under oath. (Docket #2). She avers that she is unemployed, has no source of income, no car or home, and has only \$5–10 in her savings account. *Id.* at 2–3. Although she has no expenses, this appears to be because she lives with her parents. *Id.* at 2–4. She claims that she cannot support herself and that it is a burden for her parents to support her. *Id.* at 4. These representations satisfy the Court that Plaintiff is indigent and cannot afford the filing fee.

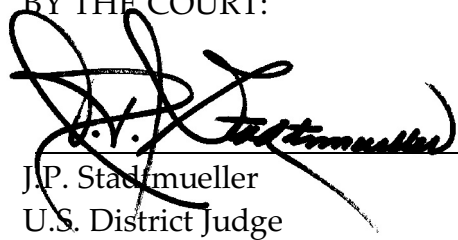
Plaintiff's action also is not frivolous or malicious. Plaintiff submitted a complaint, which includes allegations that the Administrative Law Judge ("ALJ") erred in reaching a decision. (Docket #1 ¶¶ 7-25). If that contention is true, then the Court will be obliged to vacate the ALJ's decision. Thus, Plaintiff's action is neither frivolous nor malicious.

Accordingly,

IT IS ORDERED that Plaintiff's motion for leave to *proceed in forma pauperis* (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin this 27th day of February, 2017.

BY THE COURT:



J.P. Stadmueller
U.S. District Judge