UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RONALD F. DIXON,

Plaintiff,

v.

COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION,

Defendant.

Case No. 17-CV-616-JPS

ORDER

Ronald F. Dixon filed a complaint in this matter and a motion for leave to proceed *in forma pauperis*. (Docket #1 and #2). The Court may grant the plaintiff's motion to proceed *in forma pauperis* 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). The plaintiff does not satisfy that definition in this case.

In his motion for leave to proceed *in forma pauperis*, the plaintiff made statements about his income and expenses under oath. (Docket #2). He indicates that although he is unemployed, his spouse is employed and collects monthly wages of $1,600. *Id.* at 1-2. The plaintiff's monthly expenses, including a mortgage payment, credit card payment, and other household expenses, total $1,442. *Id.* at 2. The plaintiff also indicates that

he owns two vehicles and a home, though he attests that he does not have any equity in the home. *Id.* at 3.

Based on this information, the Court cannot fairly conclude that the plaintiff is indigent for the purposes of Section 1915(a) and (e)(2). While the Court acknowledges that it may be difficult for the plaintiff to pay the filing fee, it is not clear that the plaintiff would be unable "to provide himself…with the necessities of life" if required to pay the filing fee, and so the Court cannot find him indigent. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

Because the Court finds that the plaintiff is able to pay the filing fee, and so is not indigent, the Court will deny his motion for leave to proceed *in forma pauperis* and require him to pay that fee within fourteen days. If he fails to pay that fee, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **DENIED**; the plaintiff shall pay the full $400.00 filing fee in this action **within fourteen (14) days** of the entry of this order; failure to do so will result in the dismissal of this action without prejudice and without further notice.

Dated at Milwaukee, Wisconsin, this 6th day of June, 2017.

BY THE COURT:

J.P. Stadtmueller
U.S. District Judge