

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RACHELLE KLINE, *on behalf of*
CHARLES YOUNG, *deceased,*

Plaintiff,

v.

NANCY BERRYHILL, *Acting*
Commissioner of the Social Security
Administration,

Defendant.

Case No. 17-CV-919-JPS

ORDER

Plaintiff filed a complaint in this matter and a motion for leave to proceed *in forma pauperis*. (Docket #1, #3). 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. N. 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 #3). She avers that she is employed, with a monthly income of approximately \$1,450, and that her monthly expenses, which include supporting four children, are around \$1,400. She is unmarried, owns a car

and a home, but has no savings or cash on hand. In light of these facts, and considering that her monthly expenses appear to equal her income, the Court is satisfied that Plaintiff is indigent and cannot afford the filing fee.

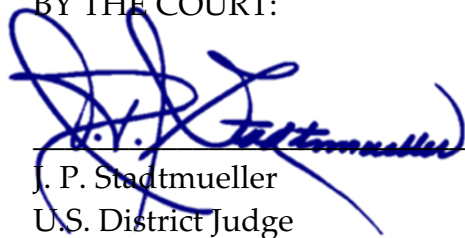
Plaintiff's action also is not frivolous or malicious. Plaintiff submitted a complaint which includes allegations that the administrative law judge ("ALJ") erred in reaching a decision. (Docket #1 at 2). If that contention is true, then the Court will be obliged to vacate the ALJ's decision. Thus, Plaintiff's action is neither frivolous nor malicious.

Accordingly,

IT IS ORDERED that Plaintiff's motion for leave to *proceed in forma pauperis* (Docket #3) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 11th day of July, 2017.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge