

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JUSTIN WILLIAM OTT,

Plaintiff,

v.

Case No. 17-cv-1591-pp

NANCY A. BERRYHILL,  
Acting Commissioner of Social Security

Defendant.

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**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR  
LEAVE TO PROCEED WITH PREPAYMENT OF THE FILING  
FEE (DKT. NO. 3)**

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On November 14, 2017 the plaintiff filed a complaint, asking the court to review an unfavorable final decision of the Commissioner of Social Security. Dkt. No. 1. The caption lists “Justin William Ott” as the plaintiff, and the body lists “Justin William Ott” as the claimant. Id.

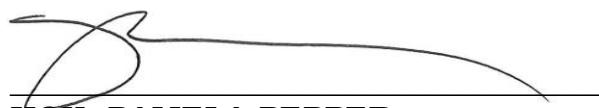
With the complaint, the plaintiff filed a motion for leave to proceed without prepayment of the filing fee. Dkt. No. 3. The affidavit at the bottom of the application, however—which states that the person who signs it “declare[s] that I am the plaintiff bringing this complaint”—is signed by the plaintiff’s mother, Marla Metzler. Id. at 4. It also appears that Ms. Metzler may have filled out the fee request form; the answer to the “[d]o you have any dependents that you are responsible for supporting?” question is “Justin Ott,” and under the “Relationship to You” heading, the word “Son” appears. Id. at 1.

The court cannot evaluate the plaintiff's motion for leave to proceed without prepayment of the filing fee without assurance that the form reflects the financial circumstances of the *plaintiff himself*. Neither the complaint nor the application for waiver of the fee indicate that the plaintiff is unable to complete the form himself. Perhaps the plaintiff does not have any income of his own. If so, he should fill out the application, explain that he has no income, and explain how he is paying for food and shelter

The **DENIES WITHOUT PREJUDICE** the plaintiff's motion for leave to proceed without prepayment of the filing fee. Dkt. No. 3. The court **ORDERS** that the plaintiff either shall re-file his motion for leave to proceed without prepayment of the filing fee or pay the filing fee in full no later than the end of the day on **December 8, 2017**. If the plaintiff does not do one of those two things by the end of the day on December 8, the court may dismiss the appeal for lack of prosecution.

Dated in Milwaukee, Wisconsin this 27th day of November, 2017.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**United States District Judge**