

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

SUSAN J. ABRAMOWSKI,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. 18-CV-342-JPS

ORDER

Plaintiff 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 states a viable claim for relief and is neither frivolous nor malicious. 28 U.S.C. §§ 1915(a), (e)(2)(B).

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 #2). She avers that she is unmarried and has no dependents. *Id.* at 1. She is unemployed and has received only \$1,265 in the last twelve months in the form of spousal support and food share. *Id.* at 2. Her monthly expenses total \$1,250. *Id.* at 2-3. She owns a 2014 Ford Escort, with an approximate value of \$4,000. *Id.* at 3. She also has \$100 in a checking

account. *Id.* In light of these facts, the Court is satisfied that Plaintiff is indigent and cannot afford the filing fee.

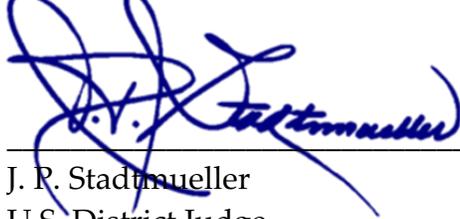
Plaintiff satisfies the second requirement of Section 1915 as well, as her action is not wholly without merit, nor is it frivolous or malicious. Plaintiff submitted a complaint which includes allegations that the administrative law judge (“ALJ”) erred in reaching a decision. (Docket #1 at 1–3). If those contentions are true, then the Court will be obliged to vacate the ALJ’s decision. Thus, Plaintiff’s action does not warrant dismissal under Section 1915(e)(2)(B).

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 7th day of March, 2018.

BY THE COURT:



J. P. Stadmueller
U.S. District Judge