

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

HEIDE NOONAN,

Plaintiff,

v.

Case No. 18-cv-641-pp

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

Defendant.

**ORDER REQUIRING PLAINTIFF TO FILE AMENDED MOTION FOR LEAVE
TO PROCEED WITHOUT PREPAYMENT OF FILING FEE**

On April 23, 2018, the plaintiff, who is proceeding without a lawyer, filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No.1. The plaintiff also filed a motion for leave to proceed without prepayment of the filing fee. Dkt. No. 2.

In order to allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff has the ability to pay the filing fee, and if not, whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

The plaintiff's affidavit does not provide enough facts for the court to decide whether she has the ability to pay the filing fee. Under Section II, "Income," the plaintiff put "0" for question #1, "State your total *monthly* wages

or salary.” Next to question #2, “Provide the name and address of your employer(s),” she put “none.” On the first line provided for “Source of Income,” the plaintiff wrote “n/a,” and she wrote “n/a” on the amount line. She left the second line under “Source of income” blank, but wrote “\$4,300” under “amount.” Under Section III, “Expenses,” the plaintiff marked the box next to “Rent,” but did not fill in the amount of rent she pays. She listed “\$1,500” for “Other household expenses.”

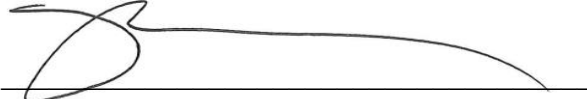
Without more information explaining the plaintiff’s income and expenses, the court cannot evaluate whether she is able to pay the \$350 filing fee and \$50 administrative fee. Where does the plaintiff get the money she lives on? Does she have a pension? Does she have a lump sum in a bank account? Does she receive Social Security? How much rent does she pay? Does she pay monthly? Does she live with someone who allows her to pay whatever she is able to afford? The court is going to require the plaintiff to file a new affidavit, and to fill in all the blanks on the form. Specifically, the plaintiff should tell the court the source of the money she uses to live on, and what she pays for housing.

The court **ORDERS** the plaintiff file a new affidavit by the end of the day on May 27, 2018. If the plaintiff does not provide a new affidavit in time for the

court to receive it by the end of the day on May 27, 2018, the court will deny her application and will require her to pay the filing fee by a date certain.

Dated in Milwaukee, Wisconsin this 7th day of May, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge