

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIAM LOUIS-BRUX,

Plaintiff,

v.

Case No. 18-cv-826-pp

NANCY BERRYHILL,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 2)**

On May 30, 2018, the plaintiff filed a complaint seeking judicial review of a final administrative decision denying his 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, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts presented in the plaintiff's affidavit, the court concludes that he has the ability to pay the filing fee. The plaintiff indicates that his monthly income is \$800 and his wife's monthly income is \$2,400 for a total monthly income of \$3,200. Dkt. No. 2 at 4. Despite listing two dependents, the plaintiff lists total monthly expenses of only \$365 (\$65 for

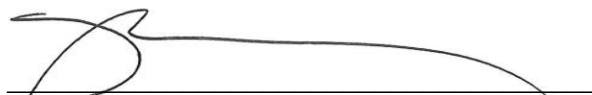
alimony and/or court-ordered child support, and \$300 for utilities)—he does not list a house payment or expenses for groceries or other items. Id. He owns a residence worth \$50,000, and a car worth \$4,500. Id. at 3. The court concludes from that information that the plaintiff has demonstrated that he has the disposable income to pay the \$350 filing fee and \$50 administrative fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine whether the case is frivolous.

The court **DENIES** the plaintiff's motion for leave to proceed without paying the filing fee. Dkt. No. 2. The court **ORDERS** that the plaintiff shall pay the \$350 filing fee and \$50 administrative fee in time for the court to receive it by the end of the day on **July 13, 2018**. If the court does not receive the \$400 fee in full by the end of the day on July 13, 2018, the court will dismiss the case on the following business day without further notice or hearing, for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 8th day of June, 2018.

BY THE COURT:

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

HON. PAMELA PEPPER
United States District Judge