

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ALLEN CONO FARINA,

Plaintiff,

v.

GREG ALLEN THIEME,

Defendant.

ORDER

13-cv-707-bbc

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ALLEN CONO FARINA,

Plaintiff,

v.

DAVID SONNTAG,

Defendant.

ORDER

13-cv-708-bbc

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Plaintiff Allen Farina has filed two proposed civil complaints. Plaintiff asks for leave to proceed *in forma pauperis* and has supported his request with an affidavit of indigency. The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs.
- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

From plaintiff's affidavit of indigency, he and his spouse have a combined monthly income of \$2,179 or an annual income of \$26,136. Plaintiff has one dependant, which makes his adjusted annual income \$22,436. Because plaintiff's income falls in the \$16,000 to \$32,000 range, he must prepay half of the \$350 fee for filing each of these cases.<sup>1</sup> Once his payments have been received, the court will review the merits of plaintiff's complaints to determine whether one or more claims must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff is seeking money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

## ORDER

### IT IS ORDERED

1. Plaintiff Allen Farina is to pay \$175 of the \$350 filing fee for filing case no. 13-cv-707-bbc. He is to submit a check or money order made payable to the clerk of court in the amount of \$175.00 on or before October 30, 2013.
2. Plaintiff is to pay \$175 of the \$350 filing fee for filing case no. 13-cv-708-bbc. He is to submit a check or money order made payable to the clerk of court in the amount of \$175.00 on or before October 30, 2013.
3. If, by October 30, 2013, plaintiff fails to make the \$175 payment in either case or show cause for his failure to do so, he will be held to have withdrawn that

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<sup>1</sup>If a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a), the fee for filing a civil action is \$350. Otherwise, with the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400.

action voluntarily. In that event, the clerk of court is directed to close the file(s) without prejudice to plaintiff's filing his case(s) at a later date.

Entered this 11<sup>th</sup> day of October, 2013.

BY THE COURT:

/s/

PETER OPPENEER  
Magistrate Judge