

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REBECCA BARWIG,

Defendant.

Case No. 05-10155-JTM

MEMORANDUM AND ORDER

Presently before the court is defendant Rebecca Barwig's (Barwig's) motion for leave to appeal *in forma pauperis* (IFP). (Dkt. No. 52). For the reasons stated below, the court grants the motion.

Federal guidelines to proceed *in forma pauperis* are set forth in 28 U.S.C. § 1915(a). The statute provides:

any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.

28 U.S.C. § 1915(a). The trial court has the discretion to grant or deny petitioner's request.

Cabrera v. Horgas, No. 98-4231, 1999 WL 241783, at * 1 (10th Cir. Apr. 23, 1999). In reviewing an *in forma pauperis* application, the court examines the applicant's inability to pay court costs. *See* 28 U.S.C. § 1915(a). There is a liberal policy toward permitting proceedings *in*

forma pauperis when necessary to ensure that the courts are available to all citizens, not just those who can afford to pay. *See Yellen v. Cooper*, 828 F.2d 1471 (10th Cir. 1987).

Upon review of Barwig's affidavit of financial status, the court is confident that her financial situation warrants *in forma pauperis* status. As such, the court grants Barwig's motion.

IT IS ACCORDINGLY ORDERED this 13th day of May, 2008, that defendant Barwig's motion for leave to appeal *in forma pauperis* (Dkt. No. 52) is granted.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE