

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DANNY E. BEAUCLAIR,

Plaintiff,

vs.

CIVIL ACTION
No. 05-3224-GTV

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

Before the court is a pro se complaint for judicial review of the denial of an application for social security benefits. Plaintiff is a prisoner incarcerated in Lansing Correctional Facility in Lansing, Kansas, who seeks leave to proceed in forma pauperis in this matter pursuant to 28 U.S.C. 1915.

Pursuant to 28 U.S.C. 1915(b)(1), plaintiff must pay the full \$250.00 filing fee in this civil action. If granted leave to proceed in forma pauperis, plaintiff is entitled to pay this filing fee over time, as provided by payment of an initial partial filing fee to be assessed by the court under 28 U.S.C. 1915(b)(1) and by the periodic payments from plaintiff's inmate trust fund account as detailed in 28 U.S.C. 1915(b)(2). Because any funds advanced to the court by plaintiff or on his behalf must first be applied to plaintiff's outstanding fee obligation,¹ the court grants plaintiff leave to proceed in forma pauperis in the instant matter without payment of an initial partial filing fee. Once this prior fee obligation has been satisfied, however,

¹See Beauclair v. Graves, Case No. 03-3237-GTV (remainder of \$150.00 district court filing fee).

payment of the full district court filing fee in this matter is to proceed under 28 U.S.C. 1915(b)(2).

The court has reviewed the complaint as required by 28 U.S.C. 1915A, and finds a response is required.

IT IS, THEREFORE, BY THE COURT ORDERED that plaintiff is granted leave to proceed in forma pauperis.

IT IS FURTHER ORDERED that the clerk of the court shall prepare appropriate summons for Social Security Commissioner Jo Anne Barnhart, the Office of the United States Attorney for the District of Kansas, and the United States Attorney General, pursuant to Rule 4 of the Federal Rules of Civil Procedure, to be served by a United States Marshal or a Deputy Marshal at no cost to plaintiff.

IT IS FURTHER ORDERED that the screening process under 28 U.S.C. 1915A having been completed, this matter is returned to the clerk of the court for random reassignment pursuant to D. Kan. R. 40.1.

Copies of this order shall be mailed to plaintiff and to the Finance Officer where plaintiff is currently confined.

IT IS SO ORDERED.

Dated at Kansas City, Kansas, this 25th day of May 2005.

/s/ G. T. VanBebber
G. T. VANBEBBER
United States Senior District Judge