

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

QUINCEY GERALD KEELER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 09-1356-WEB-DWB
)	
ARAMARK,)	
)	
Defendant.)	
_____)	

ORDER GRANTING IFP STATUS

Plaintiff Quincey Gerald Keeler has filed a “Motion to Proceed Without Prepayment of Fees” (*IFP* Motion). (Doc. 3, sealed.) He has also filed “Plaintiff’s Motion to Give Clerk a Typed Version of Nov 13, 2009 Complaint.” (Doc. 4.) Having reviewed Plaintiff’s submissions, the Court is prepared to rule on these pending motions.

A. *IFP* Motion.

Under 28 U.S.C. § 1915(a), a federal court may authorize commencement of an action without prepayment of fees, costs, etc., by a person who lacks financial means. 28 U.S.C. § 1915(a). In so doing, the court considers the affidavit of financial status included with the application. *See id.* 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*, 82 F.2d 1471 (10th Cir. 1987). In construing the application and affidavit, courts generally seek to compare an applicant's monthly expenses to monthly income. *See Patillo v. N. Am. Van Lines, Inc.*, No. 02-2162, 2002 WL 1162684, at *1 (D.Kan. Apr. 15, 2002); *Webb v. Cessna Aircraft*, No. 00-2229, 2000 WL 1025575, at *1 (D.Kan. July 17, 2000) (denying motion because "Plaintiff is employed, with monthly income exceeding her monthly expenses by approximately \$600.00").

In his supporting financial affidavit, Plaintiff, who is 32 years old and single with no dependents, lists a modest monthly income from his employment with Defendant. (Doc. 3, sealed, at 3.) He is provided health insurance through his job. (*Id.*, at 4.) He does not own real property, but has a moderate monthly rent payment. (*Id.*, at 4, 6.) He does own a modest automobile outright. The amounts he lists for monthly household expenses (including groceries, gas, utilities, and insurance) are reasonable in the Court's opinion. (*Id.*, at 6.)

Plaintiff lists no cash on hand, and lists no additional income from other sources. His monthly expenses, as listed, exceed his monthly income by more than \$100.00. Plaintiff does not explain how he addresses this monthly monetary

shortfall. Plaintiff's affidavit, however, clearly establishes that his access to the courts would be impaired if he was required to pay the usual filing fee. Further, the Court has granted Plaintiff's requests for *IFP* status in two other cases filed in this District. (*See* 08-1168, Doc. 3; 08-1187, Doc. 3.) The Court thus **GRANTS** his motion to proceed *IFP* in the present case.

B. Motion to Submit Typed Complaint.

Plaintiff also moves the Court for an Order allowing him to “give Clerk of court, a typed version of the NOV 13, 2009 DATED COMPLAINT IN CASE NO:09-1356-WEB-DWB.” (Doc. 4, at 1.) Plaintiff contends that he recently gained access to the use of a computer. (*Id.*) Further, he is concerned that because his complaint is hand-written (on a Court supplied Complaint form, Doc. 1), it may be difficult to decipher. (Doc. 4, at 1.)

While the Court finds Plaintiff's hand-written Complaint to be legible, it would obviously be easier to read if it were typed.¹ Further, Plaintiff would be allowed to amend his Complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a) because no responsive pleading has been filed. As such, the Court cannot see any harm in allowing Plaintiff to re-file the document, albeit in type-written form.

¹ The Court encourages Plaintiff to submit further pleadings in computer-generated/type-written form whenever possible.

As such, the Court **GRANTS** Plaintiff's motion (Doc. 4.)

IT IS THEREFORE ORDERED that Plaintiff's Motion to Proceed Without Prepayment of Fees (Doc. 3, sealed) is **GRANTED** and that this case be filed without payment of a filing fee. The Clerk shall issue summons to both defendants at the address shown in the caption of the Complaint. (Doc. 1.)

IT IS FURTHER ORDERED that Plaintiff's "Motion to Give Clerk a Typed Version of Nov 13, 2009 Complaint" (Doc. 4) is also **GRANTED**. Plaintiff shall submit the type-written Complaint to the Clerk of the Court on or before **February 1, 2010**, and the Clerk is hereby directed to receive and file the pleading as an amended complaint.

Dated at Wichita, Kansas, on this 19th day of **January, 2010**.

S/ DONALD W. BOSTWICK
DONALD W. BOSTWICK
United States Magistrate Judge