

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

GUYFRANK S. KISANGANI,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-1273-EFM-KGG
)	
CITY OF WICHITA,)	
GARY REBENSTORF,)	
)	
Defendants.)	
_____)	

ORDER ON IFP STATUS

Plaintiff Guyfrank Kisangani is a naturalized citizen of the United States. He filed a federal court Complaint alleging violations of his civil rights resulting from a police stop, arrest, and search of his automobile. (*See generally* Doc. 1.) In conjunction with his Complaint, Plaintiff also filed a Motion to Proceed Without Prepayment of Fees (*IFP* Application, Doc. 3, sealed), with an accompanying Affidavit of Financial Status (Doc. 3-1, sealed). Having reviewed Plaintiff's motion, as well as his Complaint, the Court is prepared to rule.

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 generally, Yellen v. Cooper*, 828 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").

According to his supporting financial affidavit, Plaintiff is 34-years-old, single, with no dependents. (Doc. 3-1, sealed, at 1-2.) He is currently unemployed, but previously had a temporary job as a customer service representative, which he indicates he held for one month. (*Id.*, at 2-3.) His only other source of income is an amount listed as "academic financial aid." (*Id.*, at 5.)

Plaintiff does not own real property and pays a small amount for his monthly rent. (*Id.*) He indicates he does not own an automobile (*id.*, at 4), although a portion of his claims relate to an allegedly unauthorized search of "plaintiff's vehicle" (Doc. 1, at 5-6.) He lists no cash on hand. (*Id.*, at 4.) He also lists typical

and reasonable monthly expenses, including groceries, telephone, and cable. (*Id.*, at 5.) He has never filed for bankruptcy. (*Id.*, at 6.)

Considering all of the information contained in the financial affidavit, Plaintiff has minor monthly expenses, but receives no current income other than student financial aid. Given his current financial situation, the Court finds that Plaintiff has established that he is entitled to file this action without payment of fees and costs. Therefore, the Court **GRANTS** Plaintiff leave to proceed *in forma pauperis* and directs that this case be filed without payment of a filing fee.

IT IS THEREFORE ORDERED that Plaintiff's Application for Leave to File Action Without Payment of Fees, Costs or Security (Doc. 3, sealed) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk's office shall proceed to issue summons in this case.

Dated at Wichita, Kansas, on this 18th day of October, 2011.

S/ KENNETH G. GALE
KENNETH G. GALE
United States Magistrate Judge