

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

ANDRE LAMAR GULIFORD,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 13-1345-KHV-KGG
)	
SOCIAL SECURITY ADMINISTRATION,)	
)	
Defendant.)	
_____)	

ORDER ON IFP STATUS

Plaintiff Andre Lamar Guliford has filed a federal court Complaint alleging an improper denial of Social Security disability benefits. In conjunction with his Complaint, Plaintiff filed an Application for Leave to File Action Without Prepayment of Fee, Costs, or Security (*IFP* Application, Doc. 3, sealed), including an Affidavit of Financial Status. Having reviewed Plaintiff’s motion, as well as his financial affidavit and 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 financial affidavit, Plaintiff is married, although he lists a different street address for his spouse. (Doc. 3, at 2.) He is currently unemployed, and owns no real property. (*Id.*, at 3, 4.) He does own a modest vehicle, but does not indicate whether he owns outright or is making monthly payments. (*Id.*, at 4-5.) He lists no cash on hand or bank accounts. (*Id.*, at 5.) He lists his only source of income as unemployment benefits and a monthly Vision card. (*Id.*, at 6.) Plaintiff lists standard monthly expenses, including rent and utilities. (*Id.*, at 6-7.) He also owes a significant amount of back pay for child support. (*Id.*, at 7.)

Given the information provided, the Court finds that Plaintiff has established that his access to the Courts would otherwise be severely inhibited and 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 Prepayment of Fee, 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 30th day of September, 2013.

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