

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

**STEPHEN ALLYN BISHOP,**

**Plaintiff,**

**vs.**

**CAROLYN W. COLVIN,  
Comm'r of Social Security Administration,**

**Defendant.**

**CIVIL ACTION**

**No. 14-4068-CM**

**MEMORANDUM AND ORDER**

Plaintiff filed the instant action appealing the final decision of the Administrative Law Judge after the Appeals Council denied plaintiff's request for review. This matter comes before the court on plaintiff's Application For Leave to File Action Without Payment of Fees, Costs or Security, with Affidavit of Financial Status in Support (Doc. 4).

Under 28 U.S.C. §1915(a), a court may authorize the commencement of an action without prepayment of fees by a person who submits a supporting affidavit demonstrating that the person is unable to pay the required fees. The court has wide discretion to grant or deny permission to proceed in forma pauperis; however, the court cannot act arbitrarily or deny an application on erroneous grounds. *United States v. Garcia*, 164 F. App'x 785, 786 n.1 (10th Cir. 2006) (citation omitted). "[T]he movant must show a financial inability to pay the required filing fees. . . ." *Lister v. Dep't of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005).

After reviewing plaintiff's financial affidavit, the court finds that plaintiff has made a sufficient showing that he is unable to pay the required filing fees. Plaintiff has been unemployed for the past two years. Plaintiff's total monthly income is \$185.00, which is from food stamps. Plaintiff's only

asset is a motor vehicle, a 2002 GMC Sierra Truck. Plaintiff's mother provides all other monthly living expenses.

Based on these facts, the court finds that plaintiff has shown a financial inability to pay the required filing fees. Accordingly, the court grants plaintiff's motion to proceed in forma pauperis.

**IT IS THEREFORE ORDERED** that plaintiff's Application For Leave to File Action Without Payment of Fees, Costs or Security, with Affidavit of Financial Status in Support (Doc. 4) is granted. Plaintiff or plaintiff's counsel is directed to immediately prepare and submit summons to the Clerk for service. The Clerk shall issue summons to the United States Marshal or Deputy Marshal, who are appointed pursuant to Fed. R. Civ. P. 4(c)(3).

Dated this 18th day of August, 2014 at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**