

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

MICHAEL T. COCHRAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-1007-JTM-GEB
)	
CITY OF WICHITA, KANSAS, et al.,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court on Plaintiff’s Motion to Proceed Without Prepayment of Fees (ECF No. 3) and the attached Affidavit of Financial Status (ECF No. 3-1). For the reasons outlined below, Plaintiff’s Motion (**ECF No. 3**) is **GRANTED**.

Under 28 U.S.C. § 1915(a), the Court has the discretion¹ to authorize the filing of a civil case “without prepayment of fees or security thereof, by a person who submits an affidavit that . . . the person is unable to pay such fees or give security thereof.” “Proceeding *in forma pauperis* in a civil case ‘is a privilege, not a right—fundamental or otherwise.’”² After careful review of Plaintiff’s Motion to Proceed Without Prepayment of Fees (ECF No. 3, sealed) and the attached Affidavit of Financial Status (ECF No. 3-1, sealed), and the comparison of his monthly income to his monthly expenses, the Court finds he is financially unable to pay the filing fee.

¹ *Barnett ex rel. Barnett v. Nw. Sch.*, No. 00-2499, 2000 WL 1909625, at *1 (D. Kan. Dec. 26, 2000) (citing *Cabrera v. Horgas*, 173 F.3d 863, at *1 (10th Cir. April 23, 1999)).
² *Id.* (quoting *White v. Colorado*, 157 F.3d 1226, 1233 (10th Cir. 1998)).

IT IS THEREFORE ORDERED that Plaintiff's Motion to Proceed Without Prepayment of Fees (**ECF No. 3**) is **GRANTED**. Because Plaintiff proceeds *in forma pauperis*, the clerk of the court shall take the appropriate steps to serve Defendants with the summons and Complaint as provided under 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c)(3).

IT IS SO ORDERED.

Dated at Wichita, Kansas this 4th day of April, 2018.

s/ Gwynne E. Birzer
GWYNNE E. BIRZER
United States Magistrate Judge