

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

BILLY MOORS,

Plaintiff,

v.

**NANCY A. BERRYHILL, *Acting Commissioner
of Social Security Administration,***

Defendant.

Case No. 18-1279-CM

MEMORANDUM & ORDER

This matter comes before the court upon plaintiff Billy Moors' Motion for Leave to Proceed in Forma Pauperis (Doc. 4). Plaintiff filed this case on October 9, 2018, seeking review of the denial of his claim for disability, disability insurance benefits, and supplemental security income.

Pursuant to 28 U.S.C. § 1915(a), a court may grant authorization for the commencement of an action without prepayment of fees by a person submitting a supporting affidavit demonstrating that the person is otherwise unable to pay the required fees. The court has wide discretion to grant or deny permission for a movant seeking 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). "[T]he movant must show a financial inability to pay the required filing fees." *Id.* (quoting *Lister v. Dep't of the Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005)) (quotation marks omitted).

After reviewing plaintiff's affidavit, the court finds that plaintiff has sufficiently shown that he is unable to pay the required filing fees. Plaintiff states that his current income is \$192 in public assistance benefits, which goes to grocery expenses. He is not currently employed and has no real property or vehicles. His friend(s) assist with paying his phone bill and for his medications.

IT IS THEREFORE ORDERED that plaintiff's Motion for Leave to Proceed in Forma Pauperis (Doc. 4) is granted. The clerk shall prepare a summons pursuant to Fed. R. Civ. P. 4 on plaintiff's behalf. The clerk shall issue the summons to the United States Marshal or Deputy Marshal.

Dated October 15, 2018, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge