

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

WILLIAM CONRAD YEAGER, II,)

Plaintiff,)

v.)

NATIONAL PUBLIC RADIO, et al.,)

Defendants.)

Case No. 18-4019-SAC-GEB

ORDER

This matter is before the Court on Plaintiff’s Motion to Proceed without Prepayment of Fees (ECF No. 3, *sealed*); his Amended Motion to Proceed without Prepayment of Fees (ECF No. 4, *sealed*) and the financial affidavit attached to his amended motion (ECF No. 4-1, *sealed*). For the reasons outlined below, Plaintiff’s Motions to Proceed without Prepayment of Fees (**ECF Nos. 3, 4**) are **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 To determine whether a party is eligible to file without prepayment of the fee, the Court commonly reviews that party’s financial affidavit and compares his or her monthly

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)).

expenses with the monthly income disclosed therein.³ In his applications and financial affidavit, Plaintiff indicates he is not currently employed, possesses minimal assets, and his monthly expenses exceed his monthly income. In keeping with the Court's liberal policy toward permitting proceedings *in forma pauperis*,⁴ and after careful review of Plaintiff's Motions and Affidavit of Financial Status (ECF Nos. 3 and 4, *sealed*), the Court finds he is financially unable to pay the filing fee.

IT IS THEREFORE ORDERED that Plaintiff's Motions to Proceed without Prepayment of Fees (**ECF Nos. 3, 4**) **are 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 7th day of May 2018.

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

³ *Alexander v. Wichita Hous. Auth.*, No. 07-1149-JTM, 2007 WL 2316902, at *1 (D. Kan. Aug. 9, 2007) (citing *Patillo v. N. Am. Van Lines, Inc.*, No. 02-2162-JWL-DJW, 2000 WL 1162684, at *1) (D. Kan. Apr. 15, 2002) and *Webb v. Cessna Aircraft*, No. 00-2229-JWL-DJW, 2000 WL 1025575, at *1 (D. Kan. July 17, 2000)).

⁴ See generally, *Yellen v. Cooper*, 828 F.2d 1471 (10th Cir. 1987).