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

HEATHER HASENBANK,	)	
	)	
Plaintiff,	)	
	)	
V.	)	Case No. 18-4024-SAC
	)	
MANDY JONE,	)	
	)	
Defendant.	)	

## **ORDER**

This matter comes before the court upon Heather Hasenbank's *pro se* Motion to Proceed Without Prepayment of Fees (ECF No. 3). Under 28 U.S.C. § 1915(a), a federal court may authorize commencement of a civil action without prepayment of fees and costs by a person who lacks financial means. "Proceeding *in forma pauperis* in a civil case 'is a privilege, not a right—fundamental or otherwise." The decision to grant or deny *in forma pauperis* status under § 1915 lies within the sound discretion of the trial court. After careful review of the information provided in plaintiff's affidavit, the court concludes plaintiff's financial situation warrants a waiver of the filing fee. Plaintiff is granted leave to proceed *in forma pauperis*.

**IT IS THEREFORE ORDERED** that Heather Hasenbank's *pro se* Motion to Proceed Without Prepayment of Fees (ECF No. 3) is granted.

IT IS FURTHER ORDERED that the clerk shall issue summons for defendant Mandy

Jone, and service of the summons and a copy of the complaint shall be effected by the United

<sup>&</sup>lt;sup>1</sup> Barnett ex rel. Barnett v. Nw. Sch., No. 00-2499, 2000 WL 1909625, at \*1 (D. Kan. Dec. 26, 2000) (quoting White v. Colorado, 157 F.3d 1226, 1233 (10th Cir. 1998)).

<sup>&</sup>lt;sup>2</sup> Id. (citing Cabrera v. Horgas, No. 98-4231, 1999 WL 241783, at \*1 (10th Cir. April 23, 1999)).

States Marshal or a Deputy United States Marshal, both of whom are appointed for such purpose pursuant to Fed. R. Civ. P. 4(c)(3).

## IT IS SO ORDERED.

Dated this 10th day of April, 2018, at Topeka, Kansas.

s/ James P. O'Hara James P. O'Hara U.S. Magistrate Judge