

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

**JOANN GRAHAM,**

**Plaintiff,**

vs.

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

**Defendant.**

**Case No. 19-1017-DDC**

**MEMORANDUM AND ORDER**

On January 29, 2019, plaintiff filed a Complaint against the Commissioner of the Social Security Administration. Doc. 1. Her Complaint seeks judicial review under 42 U.S.C. § 1383(c) of a decision of the Commissioner of the Social Security Administration denying benefits. *Id.* at 1. Plaintiff also has moved for leave to file this action in forma pauperis. Doc. 4. She has submitted an affidavit of financial status supporting her request. *Id.*

Under 28 U.S.C. § 1915(a)(1), the court may authorize a person to commence an action without prepaying fees after submitting an affidavit demonstrating an inability to pay. The court has broad discretion to grant or deny permission to proceed in forma pauperis. *United States v. Garcia*, 164 F. App'x 785, 786 n.1 (10th Cir. 2006). But the court cannot act arbitrarily or deny an application on erroneous grounds. *Id.* “[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)).

After reviewing plaintiff’s financial affidavit (Doc. 4), the court finds that she has made a sufficient showing that she is unable to pay the required filing fees. The court thus grants

plaintiff's request for leave to file this action without payment of fees, costs, or security under 28 U.S.C. § 1915(a)(1).

**IT IS THEREFORE ORDERED BY THE COURT THAT** plaintiff's Motion for Leave to Proceed In Forma Pauperis (Doc. 4) is granted. The Clerk shall prepare a summons under Federal Rule of Civil Procedure 4 on plaintiff's behalf. The Clerk shall issue the summons to the United States Marshal or Deputy Marshal, whom the court appoints under Federal Rule of Civil Procedure 4(c)(3), to effect service.

**IT IS SO ORDERED.**

**Dated this 31st day of January, 2019, at Kansas City, Kansas.**

**s/ Daniel D. Crabtree**  
**Daniel D. Crabtree**  
**United States District Judge**