

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

**LUKAS BENSIMON  
GONZALES-BAER,**

**Plaintiff,**

vs.

**ANDREW M. SAUL,  
Commissioner of Social Security,**

**Defendant.**

**Case No. 21-1026-DDC**

**MEMORANDUM AND ORDER**

On January 28, 2021, plaintiff filed a Complaint against the Commissioner of the Social Security Administration. Doc. 1. The Complaint seeks judicial review under 42 U.S.C. § 405(g) of a decision of the Commissioner of the Social Security Administration denying benefits. *Id.* at 1–2. Plaintiff also has moved for leave to file this action *in forma pauperis*. Doc. 4. Plaintiff has submitted an affidavit of financial status supporting the request. *See id.* at 2–7.

Under 28 U.S.C. § 1915(a)(1), the court may authorize a person to commence an action without prepayment of 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]o succeed on a motion to proceed [*in forma pauperis*], the 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, the court finds that plaintiff has made a sufficient showing that plaintiff 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 Application for Leave to File Action Without Payment of Fees, Costs, or Security (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, who the court appoints under Federal Rule of Civil Procedure 4(c)(3), to effect service.

**IT IS SO ORDERED.**

**Dated this 10th day of February, 2021, at Kansas City, Kansas.**

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