

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

MIKE ALLEN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 22-4049-EFM-KGG
	)	
KRAIG KNOWLTON, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**MEMORANDUM & ORDER GRANTING  
APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES**

In conjunction with his federal court Complaint alleging employment discrimination (Doc. 1), Plaintiff Mike Allen has filed an Application to Proceed Without Prepayment of Fees (“IFP application,” Doc. 4, sealed). After review of Plaintiff’s submission, the Court **GRANTS** the IFP application.

**ANALYSIS**

**I. Application to Proceed *In Forma Pauperis*.**

Under 28 U.S.C. § 1915(a), a federal court may authorize commencement of an action without prepayment of fees, costs, etc., by a person who lacks financial means. 28 U.S.C. § 1915(a). “Proceeding *in forma pauperis* in a civil case ‘is a privilege, not a right – fundamental or otherwise.’” *Barnett v. Northwest School*,

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)). The decision to grant or deny in forma pauperis status lies within the sound discretion of the court. *Cabrera v. Horgas*, No. 98-4231, 1999 WL 241783, at \*1 (10th Cir. Apr. 23, 1999).

There is a liberal policy toward permitting proceedings *in forma pauperis* when necessary to ensure that the courts are available to all citizens, not just those who can afford to pay. *See generally, Yellen v. Cooper*, 828 F.2d 1471 (10th Cir. 1987). In construing the application and affidavit, courts generally seek to compare an applicant's monthly expenses to monthly income. *See Patillo v. N. Am. Van Lines, Inc.*, No. 02-2162, 2002 WL 1162684, at \*1 (D.Kan. Apr. 15, 2002); *Webb v. Cessna Aircraft*, No. 00-2229, 2000 WL 1025575, at \*1 (D.Kan. July 17, 2000) (denying motion because "Plaintiff is employed, with monthly income exceeding her monthly expenses by approximately \$600.00").

The application submitted by Plaintiff is a United States District Court form. The Court notes that the form is not the one available on the District of Kansas website. Even so, the form, as filled out by Plaintiff, provides sufficient information to allow the Court to make a determination regarding the application.

In the form, Plaintiff indicates no employment or income from any source other than minimal amounts for Social Security disability payments and public assistance. (Doc. 4, sealed, at 2.) Plaintiff owns a modest home and a modest

automobile with some residual value. That stated, Plaintiff indicates little cash on hand. Plaintiff also enumerates typical monthly expenses including utilities, food, medical expenses, and a credit card bill. Plaintiff's stated expenses are basically equal to his monthly income from government benefits.

Considering the information submitted by Plaintiff, the Court finds that he has established that his access to the Court would be significantly limited absent the ability to file this action without payment of fees and costs. The Court thus **GRANTS** Plaintiff's request to proceed *in forma pauperis*. (Doc. 4, sealed.)

IT IS THEREFORE ORDERED that Plaintiff's application for IFP status (Doc. 4, sealed) is **GRANTED**.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas, on this 23<sup>rd</sup> day of September, 2022.

/s KENNETH G. GALE

KENNETH G. GALE

United States Magistrate Judge