UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Karen M. Fusilier, Plaintiff, v. Wichita, Kansas, City of, Police Department, et al., Defendants.	Case No. 25-cv-01292-AJP-GEB

ORDER

This matter is before the Court on Karen M. Fusilier's Motion to Proceed *in forma pauperis* ("IFP Motion") (ECF No. 3, *sealed*) and Motion for Leave to File Conventionally (ECF No. 13). For the reasons outlined below, Plaintiff's IFP Motion **(ECF No. 3, *sealed*)** is **GRANTED** and Plaintiff's Motion for Leave to File Conventionally **(ECF No. 13)** is **DENIED without prejudice**.

I. Plaintiff's IFP Motion

Under 28 U.S.C. § 1915(a)(1), the Court has discretion to authorize filing of a civil case "without prepayment of fees or security thereof, by a person who submits an affidavit that includes a statement of all assets such [person] possesses that the person is unable to pay such fees or give security thereof."[1] "Proceeding *in forma pauperis* in a civil case 'is

[1] *See also Barnett ex rel. Barnett v. Nw. Sch.*, No. 00-2499-KHV, 2000 WL 1909625, at *1 (D. Kan. Dec. 26, 2000) (citing *Cabrera v. Horgas*, 173 F.3d 863, at *1 (10th Cir. 1999)).

a privilege, not a right—fundamental or otherwise.'"[2] However, 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."[3]

When determining whether a party is eligible to file without prepayment of fees, the court reviews a party's financial affidavit and compares the monthly expenses with the monthly income disclosed therein.[4] Here, Plaintiff filed the proper Affidavit of Financial Status **(ECF No 3-1, *sealed*)** in support of her IFP Motion. After a careful review of the same, including comparing Plaintiff's listed monthly income and expenses, the Court finds she is financially unable to pay the filing fee.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Proceed *in forma pauperis* (**ECF No. 3, *sealed*)** is **GRANTED**. Although service of process would normally be undertaken by the clerk of court pursuant to 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c)(3), the clerk is directed to stay service of process pending the District Judge's review of the Report and Recommendation of Dismissal filed simultaneously herewith.[5]

II. Plaintiff's Motion for Leave to File Conventionally

On August 7, 2026, Plaintiff filed a Motion for Leave to File Conventionally (ECF No. 13), which seeks permission to provide the Court with a thumb drive presumably

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[2] *Barnett*, at *1 (quoting *White v. Colorado*, 157 F.3d 1226, 1233 (10th Cir. 1998), *cert. denied*, 526 U.S. 1008 (1999)).

[3] *Alexander v. Wichita Hous. Auth.,* No. 07-1149-JTM, 2007 WL 2316902, at *1 (D. Kan. Aug. 9, 2007) (citing *Yellen v. Cooper,* 82 F.2d 1471 (10th Cir.1987)).

[4] *Id.* (citing *Patillo v. N. Am. Van Lines, Inc.*, No. 02-2162-JWL, 2002 WL 1162684, at *1 (D. Kan. April. 15, 2002); *Webb v. Cessna Aircraft*, No. 00-2229-JWL, 2000 WL 1025575, at *1 (D. Kan. July 17, 2000)).

[5] *See Webb. v. Vratil,* No. 12-2588-EFM, ECF No. 7 (D. Kan. Sept. 28, 2012) (withholding service of process pending review under 28 U.S.C. § 1915(e) and jurisdictional review).

containing evidence Plaintiff believes supports her Complaint. However, as stated above, the undersigned is concurrently filing with this Order a recommendation that the District Judge dismiss Plaintiff's Complaint. Should, however, Plaintiff's Complaint survive this recommendation of dismissal, Plaintiff may, after Defendants are served and have filed responsive pleadings, re-file her Motion.

IT IS THEREFORE ORDERED Plaintiff's Motion for Leave to File Conventionally **(ECF No. 13)** be **DENIED without prejudice**.

IT IS SO ORDERED.

Dated this 19th day of August 2026.

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