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

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| JOHN ALLEN BROWN,<br><br>Plaintiff,<br><br>v.<br><br>HAYSVILLE POLICE DEPARTMENT, et al.,<br><br>Defendants. | Case No. 26-1305-HLT-BGS |

**MEMORANDUM AND ORDER GRANTING**
**MOTION TO PROCEED WITHOUT PREPAYMENT OF FEES**

This matter comes before the Court on Plaintiff John Allen Brown's Motion to Proceed Without Prepayment of Fees (Doc. 3). For the reasons explained below, the motion is granted.

Under 28 U.S.C. § 1915(a)(1), a federal court may authorize commencement of a civil action without prepayment of fees when the applicant's financial affidavit demonstrates an inability to pay. The decision to grant or deny leave to proceed in forma pauperis lies within the Court's discretion. *Lister v. Dep't of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005). An applicant need not be absolutely destitute; the relevant inquiry is whether payment would prevent the applicant from providing himself and his dependents with the necessities of life. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

Plaintiff reports that he is unemployed, owns no real property or automobiles, and has a total of $100 in cash and bank accounts. Doc. 3-1 at 3–5. He identifies $984 in Social Security benefits, no other income, and monthly living expenses totaling $769. *Id.* at 5–6. Even treating the reported Social Security benefits as monthly income, Plaintiff's limited income and available assets, considered with his reported expenses, establish that he cannot prepay the filing fee while meeting his basic needs. The Court therefore grants his motion.

The Court will separately screen the Complaint under 28 U.S.C. § 1915(e)(2).

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Proceed Without Prepayment of Fees (Doc. 3) is **GRANTED**. Plaintiff may proceed without prepayment of the filing fee. Pending completion of screening, the Clerk shall not issue summons or otherwise effect service of process unless directed by further order of the Court. The Clerk shall mail a copy of this Order to Plaintiff.

**IT IS SO ORDERED**.

Dated October 19, 2026, at Wichita, Kansas.

/s/ Brooks Severson
Brooks G. Severson
United States Magistrate Judge