

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Dustin Johnson v. Frank J. Bisignano

No. 26-cv-800-pp (E.D. Wis. May 6, 2026) · No. 26-cv-800-pp · Decided May 6, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Dustin Johnson’s motion to proceed without prepaying the filing fee in his action seeking review of a Social Security disability benefits decision. The court finds that Johnson cannot pay the filing fee and that his appeal is not frivolous because it may have a legal or factual basis.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	May 6, 2026
DOCKET	26-cv-800-pp
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an action seeking judicial review of a final administrative decision denying Social Security disability insurance benefits and moved for leave to proceed without prepaying the filing fee.
STANDARD OF REVIEW	For purposes of 28 U.S.C. § 1915 screening, the court determines whether the action is frivolous, meaning that it lacks an arguable basis in law or fact. On the merits of Social Security review, the court must uphold the Commissioner’s decision if the correct legal standards were used and the decision is supported by substantial evidence.
PRECEDENTIAL VALUE	Unknown; district court order granting leave to proceed without prepaying the filing fee.

TOPICS

- civil procedure
- judicial review of agency action
- administrative law

PRACTICE AREAS

- federal civil procedure
- Social Security
- in forma pauperis proceedings
- administrative law

QUESTIONS PRESENTED

1. Whether the plaintiff demonstrated that he was unable to pay the federal filing fee.
2. Whether the plaintiff's complaint was frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).

HOLDINGS

1. The plaintiff demonstrated that he could not pay the \$405 filing fee, and therefore satisfied the financial requirement for proceeding without prepaying the fee.
2. The complaint was not frivolous because it presented an arguable basis in law or fact for challenging the Commissioner's denial of disability benefits.

KEY QUOTATIONS

“A case is frivolous if there is no arguable basis for relief either in law or in fact.”

“The district court must uphold the Commissioner’s final decision as long as the Commissioner used the correct legal standards and the decision is supported by substantial evidence.”

FACTUAL BACKGROUND

The plaintiff alleged that he is disabled and that the Social Security Administration denied his claim for disability insurance benefits. In support of his fee-waiver request, he reported no employment income, no spouse or dependents, \$298 per month in SNAP benefits, \$298 in monthly food expenses, and virtually no assets. He identified a 1981 motor home valued at approximately \$500 as his home and reported substantial child-support and medical debt.

PROCEDURAL HISTORY

The plaintiff filed a complaint challenging the Commissioner of Social Security's final decision and submitted an application to proceed without prepaying the filing fee. The district court determined that the plaintiff could not pay the filing fee and that the complaint was not frivolous at the initial screening stage. The court granted the motion.

DISPOSITION

other

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 31 (1992)
- Nietzke v. Williams, 490 U.S. 319, 325 (1989)
- Casteel v. Pieschek, 3 F.3d 1050, 1056 (7th Cir. 1993)
- Roddy v. Astrue, 705 F.3d 631, 636 (7th Cir. 2013)

OPINION

Bisignano

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
DUSTIN JOHNSON,

Plaintiff, Case No. 26-cv-800-pp v.

FRANK J. BISIGNANO,

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO PROCEED
WITHOUT PREPAYING FILING FEE (DKT. NO. 3)

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3. Federal law requires a person who files a complaint in federal court to pay \$405—a filing fee of \$350 (28 U.S.C. §1914(a)) and a \$55 administrative fee (Judicial Conference of the United States District Court Miscellaneous Fee Schedule Effective the December 1, 2023, #14). To allow the plaintiff to proceed without prepaying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e) (2)(B)(i). Based on the facts in the plaintiff's affidavit, the court concludes that he does not have the ability to pay the filing fee. The plaintiff's request indicates that he is not employed, he is not married and he has no dependents he is responsible for supporting. Dkt. No. 3 at 1. The only income reported by the plaintiff is \$298 per month in SNAP benefits and the only expense listed is \$298 for food. Id. at 2-3. The plaintiff says he owns a 1981 "Chevy G30 van cab (w/ motorhome)" worth approximately "\$500 scrap;" he also lists this vehicle as his home. Id. at 3. He says he owns no other property of value and that he has under a dollar in coins. Id. at 3-4. The plaintiff says, "I owe \$5,500 in back child support, although I am trying to remove this because I can't work. I have medical debt from ambulance trips for heart failure. My 1981 motor home is in very rough shape and needs major repairs. I do not have title to it. I am unable to afford the \$405 filing fee and I am unable to pay any additional expenses because I do not have any income of significant support." Id. at 4. The plaintiff has demonstrated that he cannot pay the \$405 fee. The next step is to determine whether the case is frivolous. A case is frivolous if there is no arguable basis for relief either in law or in fact. *Denton v. Hernandez*, 504 U.S. 25, 31 (1992) (quoting *Nietzke v. Williams*, 490 U.S. 319, 325 (1989); *Casteel v. Pieschek*, 3 F.3d 1050, 1056 (7th Cir. 1993)). A person may obtain district court review of a final decision of the Commissioner of Social Security. 42 U.S.C. §405(g). The district court must uphold the Commissioner's final decision as long as the Commissioner used the correct legal standards and the decision is supported by substantial evidence. See *Roddy v. Astrue*, 705 F.3d 631, 636 (7th Cir. 2013). The plaintiff's complaint indicates that he is disabled, that he was denied benefits and that the "final decision of the Social

Security Administration is not supported by substantial evidence and/or is contrary to law and regulation.” Dkt. No. 1 at 2. At this early stage in the case, and based on the information in the plaintiffs complaint, the court concludes that there may be a basis in law or in fact for the plaintiffs appeal of the Commissioner’s decision, and that the appeal may have merit, as defined by 28 U.S.C. §1915(e)(2)(B)(i). The court GRANTS the plaintiffs motion for leave to proceed without prepaying the filing fee. Dkt. No. 3. Dated in Milwaukee, Wisconsin this 6th day of May, 2026.
BY THE COURT: Chief United States District Judge