

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)

