

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Tamara H. v. Commissioner of Social Security

Tamara H. · No. 2:26-cv-79 · Decided January 23, 2026

SUMMARY

This Report and Recommendation addresses Plaintiff Tamara H.’s motion for leave to proceed in forma pauperis in a Social Security action. The magistrate judge recommends denying the motion because Plaintiff and her spouse have sufficient income, account funds, and automobile assets to pay the \$405 filing fee while providing for their necessities. The recommendation further states that Plaintiff should pay the fee within fourteen days if she intends to proceed.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Chelsey M. Vascura
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 23, 2026
DOCKET	2:26-cv-79
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to proceed in forma pauperis in a Social Security action. The Magistrate Judge issued a Report and Recommendation recommending denial of the application and payment of the filing fee.
STANDARD OF REVIEW	An applicant seeking in forma pauperis status must demonstrate by affidavit that, because of poverty, she cannot pay the filing fee while providing for the necessities of life. In evaluating the application, courts generally consider employment, income, expenses, assets, and other available financial resources, including resources of a spouse or family members.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tamara H. v. Commissioner of Social Security

TOPICS

civil procedure administrative procedure act

PRACTICE AREAS

civil procedure administrative law Social Security

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated sufficient poverty to qualify for leave to proceed in forma pauperis under 28 U.S.C. § 1915(a).

HOLDINGS

1. Plaintiff did not demonstrate that poverty prevented her from paying the filing fee while providing for the necessities of life; the Magistrate Judge therefore recommended denying her application to proceed in forma pauperis.

KEY QUOTATIONS

“one must [not] be absolutely destitute to enjoy the benefit of the statute” (335 U.S. at 339)

“because of his [or her] poverty” (335 U.S. at 339)

FACTUAL BACKGROUND

Plaintiff was unemployed, but her affidavit showed that she and her spouse received combined monthly salary and retirement income of \$5,380.70. They had \$470 in a joint checking account and owned automobiles valued at more than \$110,000. The court concluded that these resources demonstrated an ability to pay the \$405 filing fee without being unable to provide for basic necessities.

PROCEDURAL HISTORY

Plaintiff filed an application to proceed in forma pauperis. After reviewing the affidavit, the Magistrate Judge concluded that Plaintiff had not demonstrated an inability to pay the filing fee and recommended that the application be denied and that Plaintiff pay the \$405 filing fee within fourteen days if she wished to proceed. The Report and Recommendation advised that objections would be reviewed de novo by a District Judge.

DISPOSITION

other

CASES CITED

- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331 (1948)
- Giles v. Comm’r of Soc. Sec., No. 14-CV-11553, 2014 WL 2217136, at *1 (E.D. Mich. May 29, 2014)
- Cognetto v. Comm’r of Soc. Sec., 2014 WL 358465, at *1 (E.D. Mich. Jan. 31, 2014)

- *Alisa Marie B. v. Comm’r of Soc. Sec.*, No. 2:23-CV-2622, 2023 WL 6554039, at *1 (S.D. Ohio Sept. 18, 2023)
- *Reynolds v. Crawford*, No. 1:01-cv-877, 2009 WL 3908911, at *1 (S.D. Ohio Nov. 17, 2009)
- *Thomas v. Arn*, 474 U.S. 140 (1985)
- *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)

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