

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Christopher Allen Barela v. Frank Bisignano

Barela · No. Civ. No. 25-1278 SCY · Decided December 24, 2025

SUMMARY

The United States District Court for the District of New Mexico partially grants Christopher Allen Barela’s application to proceed in forma pauperis in a Social Security action. The court reduces the filing fee to \$350 and orders an initial \$50 payment followed by monthly \$50 installments, with possible dismissal for nonpayment without a motion to modify.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
CHRISTOPHER ALLEN BARELA, Plaintiff, v. Civ. No. 25-1278 SCY FRANK BISIGNANO,
Commissioner of Social Security, Defendant. ORDER GRANTING IFP AND ORDER FOR
PARTIAL PAYMENTS THIS MATTER comes before the Court upon Plaintiff’s Application To
Proceed In District Court Without Prepaying Fees Or Costs.

Doc. 2. The Court grants the motion in part, but orders partial payments of the filing fee. The statute for proceedings in forma pauperis (“IFP”), 28 U.S.C. § 1915(a), provides that any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner¹ possesses that the person is unable to pay such fees or give security therefor. “The statute was intended for the benefit of those too poor to pay or give security for costs....” *Adkins v. E.I.*

DuPont de Nemours & Co., 335 U.S. 331, 344 (1948) (internal quotation marks omitted). A litigant need not be “absolutely destitute.” *Id.* at 339. “[A]n affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs and still be able to provide himself and dependents with the necessities of life.” *Id.* (internal quotation marks omitted).

¹ This single reference to “prisoner” in § 1915(a) has been determined to be a scrivener’s error. *Haynes v. Scott*, 116 F.3d 137, 139-40 (5th Cir. 1997). Section 1915(a) applies to non-prisoner suits. *Id.* at 139; see also *Lister v. Dep’t of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005). Plaintiff’s application states: (i) his household total monthly income is \$6,813.63 in wages and disability benefits; (ii) his monthly expenses total \$6,720 and (iii) he owns \$570,000 in assets.

In other words, his income exceeds his expenses every month (although not by much), and Plaintiff possess significant assets. Moreover, Plaintiff’s household annual income of \$81,763.20

exceeds the 2025 federal poverty level for households of five members, which is \$37,650 according to the United States Department of Health and Human Services.² Plaintiff's annual income also exceeds New Mexico's median income of \$67,816.³ The Court cannot conclude that Plaintiff cannot afford the necessities of life if he must make a filing fee.

However, given Plaintiff's financial situation, the Court does find that the filing fee of \$405 would likely impose a hardship to pay up front, and thus will partially grant the motion for IFP. This reduces the fee to \$350,⁴ and the Court will also allow Plaintiff to pay this amount in installments. See *Stack v. Stewart*, 82 F.3d 426 (10th Cir. 1996) ("imposition of partial filing fees is an appropriate exercise of authority"); *Knight v. U.S. Office of Pers.*

Mgmt., No. 25-3033, 2025 WL 2388455 (10th Cir. Aug. 18, 2025) (affirming order of partial payments). Plaintiff must make an initial partial payment of \$50, by January 26, 2026, followed by monthly payments of \$50 before the 26th of each month until the filing fee has been paid in full. If Plaintiff fails to timely make the initial partial payment or any subsequent payments without filing a motion to modify them, his complaint may be dismissed without further notice.

² See U.S. Dep't Of Health & Human Servs., 2025 Poverty Guidelines, <https://aspe.hhs.gov/poverty-guidelines>. Plaintiff does not clarify whether the stated income is net or gross, but either way, it considerably exceeds the federal poverty level. ³ See United States Census Bureau, New Mexico, https://data.census.gov/profile/New_Mexico?g=040XX00US35. ⁴ The \$55 administrative fee does not apply to persons granted partial IFP status.

IT IS ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis (Doc. 2), is GRANTED IN PART; IT IS FURTHER ORDERED that Plaintiff shall send to the Clerk of Court an initial partial payment of \$50 by check, no later than January 26, 2026; IT IS FURTHER ORDERED that, after payment of the initial partial fee, Plaintiff shall make monthly payments of \$50 by check, before the 26th of each month, until the filing fee has been paid in full; and IT IS FINALLY ORDERED that the Clerk of Court shall transmit a Notice of Electronic Filing using the Case Management and Electronic Case Filing system to the Social Security Administration's Office of General Counsel and to the United States Attorney's Office, notifying the Commissioner of the Social Security Administration of the filing of a Complaint in this action.

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