

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

**Jonathan Yates v. Commissioner of Social Security**

Yates · No. 1:25-cv-15737 (KMW) · Decided December 5, 2025

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OPINION

YATES

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW JERSEY

CAMDEN VICINAGE

| HONORABLE KAREN M. WILLIAMS

JONATHAN YATES

Plaintiff, i Civil Action ve No, 25-cv-15737 (KMW)

COMMISSIONER OF SOCIAL SECURITY, i

Defendant. 7 MEMORANDUM OPINION AND

ORDER

THIS MATTER comes before the Court by way of Plaintiff Jonathan Yates' ("Plaintiff") Application to Proceed in District Court Without Prepaying Fees or Costs (IFP Application") (ECF No. 2) pursuant to 28 U.S.C. § 1915(a)(1); and THE COURT NOTING that, having reviewed Plaintiff's IFP Application (ECF No. 2), Plaintiff declares that his biweekly income is \$0.00 (FP Application § 2.) and his monthly expenses total approximately \$3,637.26, (IFP Application { 6). Plaintiff asserts that his spouse has a monthly income but does not disclose what that income is, instead Plaintiff simply states "my wife is the only one working in the household." (IFP Application { 7.) Plaintiff lists additional assets that include a home, valued at \$500,000 and a 2021 Nissan Altima, valued at \$23,000. (IFP Application 5). Plaintiff also lists monetary assets of \$29,000 in cash or in a checking or savings account. (IFP Application § 4.) Plaintiff has one minor dependent. (IFP Application { 7); and WHEREAS, the Third Circuit has held that an application to proceed without paying filing fees is "based on a showing of indigence," *Douris vy, Newtown Borough, Inc.*, 207 F. App'x 242, 243 (Gd Cir, 2006) (citation omitted); and WHEREAS the Court notes that although a person "need not be absolutely destitute to proceed in forma pauperis," Plaintiff must nonetheless, "establish that [she] is unable to pay the costs of [her] suit," *Hurst v. Shalk*, 659 F. App'x 133, 134 Gd Cir. 2016); and THE COURT FINDING that even without declaring Plaintiffs spouse's monthly income, based on the disclosed assets alone Plaintiff has failed to demonstrate that he cannot pay the costs of litigation, and thus the Court denies the IFP Application. IT IS HEREBY on this bs of December, 2025 ORDERED A. Plaintiff's application to proceed in forma pauperis pursuant to 28 U.S.C. §1915 (ECF No. 2) is hereby

DENIED B, The clerk is ordered to close the file. Plaintiff may submit payment in the amount of \$405 within 14 days from the date of this order to reopen the case without further action from the court C. The Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail,

k M. WILLIAMS

United States District Judge