

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Amy B. v. Commissioner of Social Security

Civil Action No. 26-01401 (RIS) (D.N.J. Feb. 18, 2026) · No. Civil Action No. 26-01401 (RIS) · Decided February 18, 2026

SUMMARY

The United States District Court for the District of New Jersey denied Amy B.'s application to proceed in forma pauperis in her action against the Commissioner of Social Security. The court found that Plaintiff had not adequately established indigency because the reported household expenses exceeded household income and several expenses appeared excessive without further explanation. The court directed the Clerk to close the case, while allowing Plaintiff 30 days to reopen it by paying the filing fee or submitting a renewed application.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of New Jersey                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | KIRSCH, District Judge                                                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the District of New Jersey                                                                                                                                                                                                                 |
| DECIDED               | February 18, 2026                                                                                                                                                                                                                                                           |
| DOCKET                | Civil Action No. 26-01401 (RIS)                                                                                                                                                                                                                                             |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Plaintiff applied to proceed in forma pauperis in a Social Security action. The district court denied the application, closed the case, and permitted reopening within thirty days upon payment of the filing fee or submission of a renewed in forma pauperis application. |
| STANDARD OF REVIEW    | The court evaluated whether Plaintiff established indigency sufficient to proceed without prepayment of filing fees under 28 U.S.C. § 1915(a)(1).                                                                                                                           |
| PRECEDENTIAL VALUE    | unpublished and not for publication                                                                                                                                                                                                                                         |
| PARTIES               | Amy B. v. Commissioner of Social Security                                                                                                                                                                                                                                   |

TOPICS

civil procedure

## PRACTICE AREAS

civil procedure

Social Security

in forma pauperis proceedings

federal court filing fees

## QUESTIONS PRESENTED

1. Whether Plaintiff established indigency sufficient to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether the court could deny the in forma pauperis application because the reported financial information was incomplete or insufficiently explained.

## HOLDINGS

1. Plaintiff failed to establish the indigency necessary to proceed in forma pauperis because her application reported household expenses exceeding household income without explaining how those expenses were paid.
2. The application did not provide sufficient detail to establish eligibility because several reported expenses appeared excessive or inadequately explained.

## KEY QUOTATIONS

*“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,””*

*“The Court “may deny an IFP application where the plaintiff submits an incomplete IFP application—for example, where the plaintiff lists expenses that exceed income but does not explain how he or she pays expenses.””*

*“Plaintiff has not explained how she and her spouse are able to pay their combined \$7,430 in monthly expenses with only \$6,700 in total monthly household income if she has \$0.00 available in her only listed checking account.”*

## FACTUAL BACKGROUND

Plaintiff reported no monthly income and stated that her spouse received \$6,700 per month. She reported no funds in the couple's checking account, assets including a home and a 2017 Chevrolet Camaro, and monthly expenses totaling \$7,430. She also reported outstanding medical and hospital bills in collections and adult sons who continued to rely on Plaintiff and her spouse for food and support. The court found that Plaintiff did not explain how the household could pay its reported expenses despite having less reported income than expenses.

## PROCEDURAL HISTORY

Plaintiff initiated this action and submitted an application to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1). The court reviewed the application and determined that Plaintiff had not adequately established indigency because the reported household expenses exceeded the reported household income without an explanation of how the expenses were paid. The court denied in forma pauperis status and ordered the Clerk to

close the case, subject to reopening within thirty days upon payment of the filing fee or submission of a renewed application.

## DISPOSITION

dismissed

## CASES CITED

- *Douris v. Newtown Borough, Inc.*, 207 F. App'x 242, 243 (3d Cir. 2006) (per curiam)
- *Hurst v. Shalk*, 659 F. App'x 133, 134 (3d Cir. 2016) (per curiam)
- *Davis v. NYS Dep't of Labor*, No. 21-690, 2021 WL 9455716, at \*2 (W.D.N.Y. June 28, 2021)
- *Dobbins v. Kroger Co.*, No. 08-1206, 2009 WL 186141, at \*2 (N.D. Tex. Jan. 23, 2009)
- *Rohn v. Johnston*, 415 F. App'x 353, 355 (3d Cir. 2011)
- *Simwell v. Shapp*, 536 F.2d 15, 19 n.14 (3d Cir. 1976)

## OPINION

NOT FOR PUBLICATION UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY  
AMY B., Plaintiff, Civil Action No, 26-01401 (RIS) Vv. COMMISSIONER OF SOCIAL SECURITY, MEMORANDUM ORDER Defendant. KIRSCH, District Judge THIS MATTER, having come before the Court upon Amy B.'s! "Amy" or "Plaintiff") application to proceed in forma pauperis (TFP," ECF No, 4) pursuant to 28 U.S.C. § 1915(a)(1); and THE COURT NOTING that, having reviewed Plaintiff's UP application, Plaintiff declares that her monthly income is \$0.00 and that she has not been employed since 2023.

CFP at 2.) Plaintiff asserts that her spouse's monthly income is \$6,700. Ud.) Plaintiff asserts that she has a checking account with "TD Bank," but that this account contains \$0.00 belonging to her or her spouse. (/d.) Plaintiff lists additional assets that include a home, valued at \$75,000, and a 2017 Chevrolet Camaro, valued at \$1,000. (id. at 3.) Plaintiff estimates that her and her spouse's monthly expenses total \$7,430, with (1) \$2,200 in rent or home-mortgage payments," (2) \$1,500 in utilities, (3) \$3,000 in food, (4) \$100 in transportation, (5) \$150 in car insurance, (6) \$450 in "The Court identifies Plaintiff by first name and last initial only.

See D.N.J, Standing Order 2021-10, \* Plaintiff also neglected to specify whether this amount included real estate taxes or property insurance, as required by the IFP Application form. at 4.) motor vehicle installment payments, and (7) \$30 in "cell phone" charges paid by Plaintiffs spouse. (id, at 4—5.) Plaintiff also avers that she has "\$8,000 in outstanding medical and hospital bills that are currently in collections," but does not indicate her monthly expenses on those bills.

(Jd. at 5,) Plaintiff has no minor dependents but specifies that she has "two sons that are over 18 but... still rely on [Plaintiff and her spouse] for food and support." Ud. at 3, 5); 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 (3d Cir, 2006) (per curiam); and WHEREAS, 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) (per curiam); and WHEREAS, the Court “may deny an IFP application where the plaintiff submits an incomplete IFP application—for example, where the plaintiff lists expenses that exceed income but does not explain how he or she pays expenses.” *Davis v. NYS Dep’t of Labor*, No. 21-690, 2021 WL 9455716, at \*2 (W.D.N.Y. June 28, 2021) (collecting cases); and THE COURT FINDING that Plaintiff has not established indigency necessary for IFP status.

Plaintiff has not explained how she and her spouse are able to pay their combined \$7,430 in monthly expenses with only \$6,700 in total monthly household income if she has \$0.00 available in her only listed checking account.’ (IFP at 2-5.)

Accordingly, the Court concludes there is “no way... to properly determine [Plaintiffs] current eligibility to proceed without prepayment of the \* The Court also notes that Plaintiff’s alleged monthly expenses of \$3,000 on food for four people at most, \$1,500 on utilities, and \$450 on motor vehicle payments for a car only allegedly worth \$1,000, (IFP at □□ 5), “appear excessive without further detailed explanations.” *Dobbins v. Kroger Co.*, No, 08-1206, 2009 WL 186141, at \*2 (N.D.

Tex. Jan. 23, 2009), [required] fees.” *Rohn v. Johnston*, 415 F. App’x 353, 355 (3d Cir. 2011) (citing *Simwell v. Shapp*, 536 F.2d 15, 19 n.14 (3d Cir. 1976)). IT IS on this Saay of February, 2026,. ORDERED that Plaintiff’s application to proceed in forma pauperis (ECF No, 4) is DENIED; and it is further ORDERED that the Clerk of Court shall CLOSE this case; and it is further ORDERED that Plaintiff may have this case reopened within thirty (30) days of the date of entry of this Order by either pre-paying the \$405 filing fee (\$350 filing fee plus \$55 administrative fee) or submitting a renewed application to proceed in forma pauperis; and it is further ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S, mail. a fo: UNITED STATES DISTRICT JUDGE ™...