

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PRECEDENTIAL VALUE	unpublished and not for publication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

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PRACTICE AREAS

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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)

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