

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

Brian S. Piazza v. Commissioner of Social Security

Piazza · No. 1:26-CV-00890-CEF · Decided April 17, 2026

SUMMARY

The document is a Report and Recommendation addressing Brian S. Piazza’s motion to proceed in forma pauperis in an action challenging the Commissioner of Social Security’s denial of disability benefits. The magistrate judge recommends denying the motion because the plaintiff and his spouse have sufficient income, assets, and available resources to pay the filing fee without undue hardship, and recommends requiring payment of the \$405 filing fee within fourteen days if adopted.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Ohio, Eastern Division                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Jonathan D. Greenberg                                                                                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the Northern District of Ohio, Eastern Division                                                                                                                                                                                                      |
| DECIDED               | April 17, 2026                                                                                                                                                                                                                                                                        |
| DOCKET                | 1:26-CV-00890-CEF                                                                                                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiff brought an action under 42 U.S.C. § 405(g) challenging the denial of Social Security disability benefits and moved to proceed in forma pauperis. The magistrate judge issued a Report and Recommendation recommending denial of the in forma pauperis motion.               |
| STANDARD OF REVIEW    | The court exercises discretion in deciding whether to permit a litigant to proceed in forma pauperis and evaluates whether payment of court costs would impose an undue hardship, considering income, assets, spousal or family resources, and equity in real estate and automobiles. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                       |
| PARTIES               | Brian S. Piazza v. Commissioner of Social Security                                                                                                                                                                                                                                    |

TOPICS

civil procedure

administrative law

judicial review of agency action

## PRACTICE AREAS

civil procedure

administrative law

Social Security disability

## QUESTIONS PRESENTED

1. Whether Plaintiff established that paying the federal filing fee would impose an undue hardship so as to qualify for in forma pauperis status under 28 U.S.C. § 1915(a)(1).

## HOLDINGS

1. Plaintiff's reported income, liquid assets, spousal resources, and property equity indicated that paying the filing fee would not impose an undue hardship; therefore, the magistrate judge recommended denying the motion to proceed in forma pauperis.

## KEY QUOTATIONS

*“pauper status does not require absolute destitution.” (II)*

*“whether the court costs can be paid without undue hardship.” (II)*

*“Thus, it does not appear the cost of filing would impose an undue hardship on Plaintiff.” (III)*

## FACTUAL BACKGROUND

Plaintiff reported combined monthly gross income for himself and his spouse of \$9,103.50, with expected income at the same level the following month. He reported approximately \$30,392 in bank and money-market funds held by himself and his spouse, along with substantial property and vehicle assets. Their reported monthly liabilities were \$6,542, leaving approximately \$2,561.50 in monthly income above those liabilities.

## PROCEDURAL HISTORY

On April 15, 2026, Plaintiff filed a complaint challenging the Commissioner's final decision denying disability benefits and simultaneously moved to proceed in forma pauperis. After reviewing Plaintiff's financial affidavit, the magistrate judge recommended that the motion be denied and that, if the recommendation were adopted, Plaintiff be ordered to pay the \$405 filing fee within fourteen days.

## DISPOSITION

other

## CASES CITED

- *Foster v. Cuyahoga Dep't of Health & Human Servs.*, 21 F. App'x 239, 240 (6th Cir. 2001)
- *Sears, Roebuck & Co. v. Charles W. Sears Real Estate, Inc.*, 865 F.2d 22, 23 (2d Cir. 1988)

- *Helland v. St. Mary's Duluth Clinic Health Sys.*, No. 10-31 (RHK/RLE), 2010 WL 502781, at \*1 n.1 (D. Minn. Feb. 5, 2010)
- *Rice v. Comm'r of Soc. Sec.*, No. 5:18-cv-01220-PAG, 2018 WL 3145848, at \*1 (N.D. Ohio May 30, 2018)
- *Coburn v. Comm'r of Soc. Sec.*, No. 1:18CV668, 2018 WL 2163843, at \*1 (N.D. Ohio Apr. 9, 2018)
- *Behmlander v. Comm'r of Soc. Sec.*, No. 12-CV-14424, 2012 WL 5457466, at \*2 (E.D. Mich. Oct. 16, 2012)
- *Levet v. Comm'r of Soc. Sec.*, No. 1:14-CV-01378, 2014 WL 3508893, at \*2 (N.D. Ohio July 15, 2014)
- *Reynolds v. Crawford*, No. 1:01-cv-877, 2009 WL 3908911, at \*1 (S.D. Ohio Nov. 17, 2009)
- *Monti v. McKeon*, 600 F. Supp. 112, 114 (D. Conn.), *aff'd*, 788 F.2d 1 (2d Cir. 1986) (table)
- *Ciavarella v. Comm'r of Soc. Sec.*, No. 5:13-CV-2031, 2013 WL 5354091, at \*1 (N.D. Ohio Sept. 24, 2013)

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