

SUPREME COURT OF ARKANSAS

No. CV-13-441

LOUIS DUDLEY BROWN
PETITIONER

v.

DAVID J. SACHAR, DIRECTOR,
JUDICIAL DISCIPLINE AND
DISABILITY COMMISSION
RESPONDENT

Opinion Delivered September 5, 2013

PRO SE MOTION TO PROCEED IN
FORMA PAUPERIS [JUDICIAL
DISCIPLINE AND DISABILITY
COMMISSION, COMPLAINT NO.
13144]MOTION DENIED.

PER CURIAM

Petitioner Louis Dudley Brown filed a complaint with the Arkansas Judicial Discipline and Disability Commission (Commission) against the circuit court judge who presided at his trial in a criminal matter. The complaint was dismissed on March 14, 2013. Petitioner has tendered a petition for writ of certiorari for review by this court of the Commission's dismissal of the complaint pursuant to Discipline and Disability Rule 12(H) (2013). On May 22, 2013, petitioner filed the instant motion for leave to proceed in forma pauperis, seeking to file the petition for writ of certiorari without paying the required filing fee.

A complaint filed with the Commission is a civil matter. Rule 72 of the Arkansas Rules of Civil Procedure conditions the right to proceed in forma pauperis in civil matters upon, among other things, the court's satisfaction that the alleged facts indicate a colorable cause of action. *Boles v. Huckabee*, 340 Ark. 410, 12 S.W.3d 201 (2000) (per curiam). A colorable cause of action is a claim that is legitimate and may reasonably be asserted given the facts presented

and the current law or a reasonable and logical extension or modification of it. *Id.* Petitioner has not demonstrated such a claim here. Where no fundamental right is involved, filing fees do not violate due process. *Partin v. Bar of Ark.*, 320 Ark. 37, 894 S.W.2d 906 (1995).

In his motion, petitioner contends only that he is entitled to proceed in forma pauperis because he is unable to pay the costs associated with the proceeding and the petition is not brought for a frivolous or malicious purpose. The statement does not constitute a showing of a colorable cause of action.

Petitioner is responsible for remitting the required filing fee at his expense within thirty days of the date of this opinion if he desires to proceed with the tendered petition for writ of certiorari. *See Young v. Black*, 366 Ark. 198, 234 S.W.3d 284 (2006) (per curiam).

Motion denied.

Louis Dudley Brown, pro se petitioner.

No response.