

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

VAUGHN DAMON WILSON

PLAINTIFF

v.

Civil No. 09-2025

CITY OF ALMA, ARKANSAS;
ALMA CITY COURT; and
THE STATE OF ARKANSAS

DEFENDANTS

O R D E R

Now on this 21st day of May, 2009, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #8) and plaintiff's **Objections** thereto (document #9), and from said documents the Court finds and orders as follows:

1. Plaintiff applied for, and was granted, *in forma pauperis (ifp)* status in this case. That status allows a qualified person to file a lawsuit in United States District Court without payment of the \$350 filing fee.

2. United States Magistrate Judge James R. Marschewski subsequently determined that additional information was needed with regard to plaintiff's *ifp* application, and a hearing was conducted on April 29, 2009. Judge Marschewski reported plaintiff testified at the hearing that when he signed the *ifp* application, he had about \$20,000 in Federal Reserve Notes in a bank account. Based on that testimony, Judge Marschewski recommended that plaintiff's *ifp* status be revoked, and that he be given ten days to pay the filing fee for this case, failing which it should be dismissed.

3. Plaintiff objects to the Report And Recommendation, contending that because he filed his case "at jurisdiction of common law, the court would be unlawfully operating outside of its jurisdiction, at loss of judicial immunity, to make any thing but gold and silver Coin a Tender in Payment of Debts." (Emphasis in original.) Federal Reserve Notes, he contends, are merely "obligations" or "securities" of the United States.

4. Plaintiff's objection is without merit. Federal Reserve Notes are legal tender, U.S. v. Shields, 642 F.2d 230 (8th Cir. 1981), and are accepted by the United States District Courts in payment of filing fees. Plaintiff has some 20,000 of these Federal Reserve Notes, and it would make a mockery of the *ifp* system to allow him to proceed without using 350 of them to pay his filing fee.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** (document #8) is **adopted in toto**, and plaintiff's **Objections** thereto (document #9) are **overruled**.

IT IS FURTHER ORDERED that plaintiff pay the filing fee for this case within ten days of the date of this Order, failing which his case will be dismissed.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE