

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

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Vaughn Damon Wilson filed this civil rights action under 42 U.S.C. § 1983. On March 19, 2009, Wilson filed a motion to proceed *in forma pauperis* (IFP)(Doc. 2). Wilson signed and dated the application to proceed IFP on March 16, 2009. The motion was granted by order entered on March 19, 2009 (Doc. 3).

Upon further review under 28 U.S.C. § 1915(a), it was determined additional information was needed based on the fact that Wilson wrote beside various answers the following: he had never been paid in "gold or silver coin" United States Constitution, Article 1, Section 10, or had not received any money in gold or silver coin, or had no cash or checking or savings accounts in gold or silver coin, or had no assets in gold or silver coin. For this reason, a hearing was scheduled for April 29, 2009, at 2:00 p.m.

At the hearing, Wilson testified that on March 16, 2009, when he signed the IFP application he had a checking and/or savings account with an approximate balance of \$20,000 in Federal Reserve Notes. Based on this testimony, I find Wilson ineligible for IFP status. I

therefore recommend that his IFP application be revoked. I further recommend that Wilson be given ten days to pay the \$350 filing fee. If he fails to pay the filing fee, this case should be dismissed.

Wilson has ten days from receipt of this report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. Wilson is reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 30th day of April 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE