

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

GERALD RICHARD SCHULTZ

PLAINTIFF

V.

CASE NO. 3:16-CV-03016

LIBERTY LIFE ASSURANCE COMPANY

DEFENDANT

ORDER

Now pending before the Court is the Amended Report and Recommendation ("R & R") (Doc. 6) filed on February 11, 2016, by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. In the R & R, the Magistrate Judge recommends denying Plaintiff Gerald Richard Schultz's Motion for Leave to Proceed *in forma pauperis* (Doc. 3).

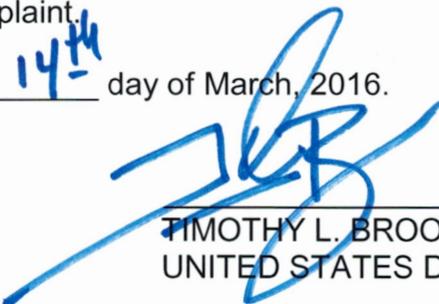
On February 16, 2016, Schultz timely filed Objections (Doc. 7) to the R & R. In the Objections, Schultz argued that he would suffer a serious hardship if he were required to pay the \$400.00 filing fee, and he noted that the expenses he listed on his application to proceed *in forma pauperis* was incomplete. In particular, Schultz listed additional expenses of \$50.00 per month for medication, \$300.00 per year in personal property taxes, \$300.00 per month in credit card payments, \$10.00 per month in medical insurance premium payments, and \$30.00 per month in life insurance premium payments. Schultz also pointed out that he "has the expense of a boat slip for \$1,500.00 a year because he is not physically able to haul the boat in and out of the water and his doctor told him that floating in the lake is good for his health." (Doc. 7, pp. 1-2).

In light of Schultz's Objections, the Court has conducted a *de novo* review as to all specified proposed findings and recommendations in the R & R. 28 U.S.C. § 636(b)(1).

Even when the additional monthly expenses Schultz highlighted are factored into the equation, the Magistrate Judge's ultimate conclusion that Schultz is not entitled to the privilege of claiming *in forma pauperis* status is correct. Schultz and his wife's combined income is \$3,257.08 per month, and they own a home, two cars, a motorcycle, and a boat. Schultz and his wife's combined income alone would likely pose a sufficient basis for denying his Motion; but the combination of the income and home and vehicle ownership—carrying a combined total asset value of \$212,880.00—leaves the Court with the firm opinion that requiring Schultz to pay the filing fee and costs in this matter would not result in him suffering a serious hardship, nor cause him to sacrifice the necessities of life.

For these reasons, the Amended R & R (Doc. 6) is **ADOPTED IN ITS ENTIRETY**, and the Motion for Leave to Proceed *in forma pauperis* (Doc. 3) is **DENIED**. Schultz is directed to pay his filing fee to the Clerk's office within 30 days of the date of this Order or face summary dismissal of his Complaint.

IT IS SO ORDERED on this 14th day of March, 2016.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE