

1 making a determination, the Court “must be careful to avoid construing the statute so narrowly that a
2 litigant is presented with a Hobson’s choice between eschewing a potentially meritorious claim or
3 foregoing life’s plain necessities.” *Temple v. Ellerthorpe*, 586 F.Supp. 848, 850 (D.R.I. 1984).

4 Plaintiff asserts he is currently employed and has a monthly income of \$3,807.86. (Doc. 2 at
5 2) Plaintiff reports montly expenses of \$3,664.00. (*Id.* at 5) Notably, however, this total includes
6 \$1,100 per month for recreation, entertainment, clothing, and laundry. (*See id.* at 4) Given the
7 information provided regarding Plaintiff’s income and expenses —particularly the amounts identified
8 for “[r]ecreation, entertainment, newspapers, magazines,” and the purchase of new clothing each
9 month—it is not clear that Plaintiff is unable to provide himself with life’s necessisities while still
10 paying the Court costs.

11 ORDER

12 As noted above, Plaintiff has not demonstrated an inability to pay the Court fees as required by
13 28 U.S.C. § 1915(a). Thus, the Court **ORDERS**:

14 1. Within 21 days, Plaintiff SHALL show cause in writing why his motion to proceed in
15 forma pauperis should not be denied; and

16 2. **Plaintiff is advised that his failure to respond timely to this order will result in a**
17 **recommendation that the motion to proceed in forma pauperis be denied.**

18
19 IT IS SO ORDERED.

20 Dated: July 16, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE