

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-1479-LTB

SINKSAR YOSEPH, also known as
SENKSAR KELEBE,

Plaintiff,

v.

KAVOD SENIOR LIVING/ALLIED JEWISH APARTMENTS,

Defendant.

**ORDER DENYING LEAVE TO PROCEED
IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS**

Plaintiff, Sinksar Yoseph, also known as Senksar Kelebe, currently resides in Aurora, Colorado. On July 13, 2015, Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2) and a Title VII Complaint. On July 15, 2015, the Court denied the Application because Plaintiff did not demonstrate that she qualifies for *in forma pauperis* status (ECF No. 4). On August 4, 2015, Plaintiff filed another Motion and Affidavit for Leave to Proceed Under 28 U.S.C. 1915 (ECF No. 5) and a Motion to Reconsider Order Denying Leave to Proceed in District Court without Prepaying Fees or Costs (ECF No. 6).

Subsection (a)(1) of 28 U.S.C. § 1915 allows a litigant to commence a lawsuit without prepayment of fees or security therefor. However, “[t]here is no absolute right to proceed in court without paying a filing fee in civil matters.” *Holmes v. Hardy*, 852 F.2d 151, 153 (5th Cir. 1988); *see also* 28 U.S.C. § 1914(a). Proceeding *in forma pauperis* pursuant to § 1915, *i.e.* without paying a filing fee under § 1914, is a privilege extended to individuals unable to pay such a fee. *See Holmes*, 852 F.2d at 153.

Plaintiff's Application shows that Plaintiff has \$3,612.00 in bank accounts and total monthly expenses of \$666.00, plus the possibility of receiving unemployment compensation. Therefore, the Court finds that Plaintiff has not demonstrated that he has insufficient funds to pay the \$400.00 filing fee (\$350.00 filing fee and \$50.00 general administrative fee). The Application to Proceed in District Court Without Prepaying Fees or Costs will be denied without prejudice. Plaintiff will be directed to pay the \$400.00 filing fee required pursuant to 28 U.S.C. § 1914 and the District of Colorado schedule of fees at www.cod.uscourts.gov. Accordingly, it is

ORDERED that the Motion to Reconsider Order Denying Leave to Proceed in District Court without Prepaying Fees or Costs (ECF No. 6) is **DENIED AS MOOT** as Plaintiff filed a subsequent Application.

ORDERED that the Motion and Affidavit for Leave to Proceed Under 28 U.S.C. 1915 (ECF No. 5) is denied. It is

FURTHER ORDERED that within thirty (30) days from the date of this order, Plaintiff shall pay the full **\$400.00 filing fee**. It is

FURTHER ORDERED that if Plaintiff fails to pay the \$400.00 filing fee within the time allowed the action will be dismissed without further notice.

DATED at Denver, Colorado, this 1st day of September, 2015.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court