

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

BRYAN A. JORDAN,	:	
Plaintiff,	:	
	:	
v.	:	PRISONER
	:	Case No. 3:16cv1454(VAB)
	:	
SCOTT SEMPLE, ET AL.,	:	
Defendants.	:	

RULING AND ORDER

Plaintiff, Bryan A. Jordan, is an inmate at the Corrigan-Radgowski Correctional Institution in Uncasville, Connecticut. He moves the court for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this civil action.

It is well settled that the decision to proceed *in forma pauperis* in civil cases is committed to the “sound discretion of the district court.” *Monti v. McKeon*, 600 F. Supp. 112, 113 (D. Conn. 1984), *aff’d mem.* 788 F.2d 1 (2d Cir. 1985); *see also Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 217-18 (1993). A litigant need not be absolutely destitute in order to qualify for *in forma pauperis* status. When evaluating a motion to proceed *in forma pauperis*, the Court considers whether the burden of paying the fees for filing and service would hamper the plaintiff’s ability to obtain the necessities of life or force him to abandon the action. *See Adkins v. E.I. Dupont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948); *Potnick v. Eastern State Hospital*, 701 F.2d 243, 244 (2d Cir. 1983).

Mr. Jordan has \$439.02 in his inmate account. Furthermore, deposits of at least \$50.00 have been made to Mr. Jordan’s account every month since March 2016. As a prisoner, Mr.

Jordan bears no costs for room or board and no one is dependent on him for support. From this information, this Court can discern no reason why requiring Mr. Jordan to pay the \$400.00 filing fee to commence this action would force him to forego the necessities of life or abandon this action. *See Potnick*, 701 F.2d at 244; *Jones v. Lara*, No. 3:11-706 (AWT), 2011 U.S. Dist. LEXIS 75323, at *2 (D. Conn. July 8, 2011) (Ordering payment of \$5 filing fee when petitioner's inmate account contained \$7.81, because it "[wa]s clear that the petitioner has received regular deposits to the account from outside sources and earns a salary for work in the prison"). Mr. Jordan has not demonstrated a substantial showing of indigence which is required before *in forma pauperis* status may be granted under 28 U.S.C. § 1915.

The Motion for Leave to Proceed *In Forma Pauperis* [**Doc. No. 2**] is **DENIED**. The Motion for Leave to Amend [**Doc. No. 6**] is **DENIED** without prejudice. Mr. Jordan may renew his motion after he submits the filing fee.

All further proceedings in the matter shall be held in abeyance for 20 days pending Mr. Jordan's delivery of the filing fee in the amount of \$400.00 (cash or bank check made payable to the Clerk of Court) to the Clerk's Office, 915 Lafayette Blvd., Bridgeport, Connecticut, 06604. Failure to tender the filing fee within 20 days of this order will result in the dismissal of this action.

SO ORDERED at Bridgeport, Connecticut this 11th day of January, 2017.

VICTOR A. BOLDEN
UNITED STATES DISTRICT JUDGE