

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**RENEE BELL,**

**Plaintiff,**

**-vs-**

**Case No. 6:05-cv-1806-Orl-31DAB**

**FLORIDA HIGHWAY PATROL &  
LARRY COSTANZO,**

**Defendants.**

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**REPORT AND RECOMMENDATION**

**TO THE UNITED STATES DISTRICT COURT**

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: MOTION FOR LEAVE TO PROCEED IN FORMA  
PAUPERIS (Doc. No. 2)**

**FILED: December 5, 2005**

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**THEREON it is RECOMMENDED that the motion be DENIED.**

Upon submitting an affidavit of indigency, any court of the United States may authorize a party to proceed *in forma pauperis*. 28 U.S.C. § 1915(a). A Court reviewing an Application for *in forma pauperis* status must first determine whether the Plaintiff is indigent, and then must determine whether the Complaint has arguable merit.

A review of Plaintiff's Affidavit indicates that Plaintiff has a regular income of approximately \$1,600 per month, plus she receives child support of \$468.00 per month. Additionally, she is a

homeowner and has other assets of value. Plaintiff's income and assets, while fairly modest, are inconsistent with a claim of indigency and disqualify her from pauper status. As such, a review of the Complaint is unnecessary.

It is **respectfully recommended** that the motion be **denied** and Plaintiff be required to pay the filing fee in order to proceed with her case. If this Report and Recommendation is adopted or approved and Plaintiff fails to pay the required filing fee within 11 days, the action should be dismissed.

Failure to file written objections to the proposed findings and recommendations contained in this report within ten (10) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

Recommended in Orlando, Florida on December 8, 2005.

*David A. Baker*

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DAVID A. BAKER  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge  
Unrepresented Party  
Courtroom Deputy