

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

LAURA THACKER,

Plaintiff,

vs.

Case No.: 8:07-cv-1778-T-24MSS

HILLSBOROUGH COUNTY PUBLIC  
LIBRARY COOPERATIVE, et al.

Defendants.

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**ORDER**

This cause comes on for consideration of Plaintiff, Laura Thacker's Motion for Leave to Proceed *In Forma Pauperis* ("Motion") and accompanying Affidavit of Indigency ("Affidavit") (Dkt. 2).

When considering a motion to proceed *in forma pauperis* made pursuant to 28 U.S.C. § 1915(a), "the only determination to be made by the court . . . is whether the statements in the affidavit satisfy the requirement of poverty." Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 (11th Cir. 2004) (quoting Watson v. Ault, 525 F.2d 886, 891 (11th Cir. 1976)). An affidavit filed in support should be accepted "absent a serious misrepresentation." Id. The Affidavit states that Petitioner has been incarcerated since October 24, 1997 and has no income or assets to proceed with his claim.

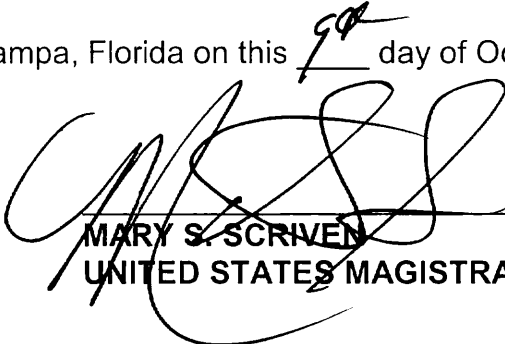
As a threshold matter, however, the Court is required to determine whether Petitioner's complaint is frivolous, malicious or fails to state a claim, and therefore, is subject to dismissal. 28 U.S.C. § 1915(e)(2)(B)(i-ii). A complaint is deemed frivolous "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S.

319, 325 (1989). Specifically, the Court must evaluate Petitioner's complaint to determine whether "the plaintiff's realistic chances of ultimate success are slight." Moreland v. Wharton, 899 F.2d 1168, 1170 (11th Cir. 1990). *Pro se* complaints should be held to a less stringent standard than formal pleadings drafted by lawyers. See Watson v. Ault, 525 F.2d 886, 891 (5th Cir. 1976).

Here, Plaintiff's Affidavit indicates that her total monthly income is approximately \$800.00 and in the twelve months preceding this application she earned only \$5,000.00. Plaintiff values her home at approximately \$75,000.00 and her vehicle at \$1,000. The Affidavit further shows that Plaintiff is a single parent responsible for three children. The Undersigned thus finds that Plaintiff has made sufficient allegations of poverty that satisfy the question of financial eligibility. Upon review, and against this standard it is **ORDERED** that:

The Motion to Proceed In Forma Pauperis is **GRANTED** and this action may proceed in forma pauperis pursuant to 28 U.S.C. § 1915. The Clerk of the Court is **DIRECTED** to send Plaintiff the appropriate summons forms immediately. Plaintiff is **DIRECTED** to complete and return those forms to the Clerk within twenty (20) days, whereupon, the U.S. Marshal is directed to serve process in this case in light of 28 U.S.C. § 1915 and Plaintiff's in forma pauperis status.

**DONE** and **ORDERED** in Tampa, Florida on this 9<sup>th</sup> day of October 2007.

  
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**MARY S. SCRIVEN**  
**UNITED STATES MAGISTRATE JUDGE**

Copies to:

Unrepresented Parties  
Counsel of Record