

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

STANLEY RICE,

Plaintiff,

v.

Case No: 8:16-cv-124-T-30TBM

**CAROLYN W. COLVIN, Acting
Commissioner of the United States
Social Security Administration,**

Defendant.

REPORT AND RECOMMENDATION

THIS MATTER is before the Court on Plaintiff's Affidavit of Indigency (Doc. 2), which the Court construes as a motion to proceed *in forma pauperis*. Upon review and consideration, I recommend that Plaintiff's motion be **DENIED**.

As indicated, Plaintiff seeks leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915, which states:

[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

28 U.S.C. § 1915(a)(1).

Here, Plaintiff's Affidavit of Indigency fails to demonstrate an inability to pay. As reflected in the affidavit, Plaintiff and his spouse evidence regular monthly income of \$2,200. They own a home with considerable equity. Additionally, they own personal property, including a car, which is owned outright. A comparison of the stated income versus monthly expenses indicates that

Plaintiff has the wherewithal to pay the filing fee in this cause. For this reason, the motion fails.

For these reasons, I recommend that the Court **DENY** Plaintiff's construed motion to proceed *in forma pauperis* (Doc. 2) and direct that Plaintiff pay the filing fee within twenty days of the Court's Order.

Respectfully submitted this
this 20th day of January 2016.



THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
The Honorable James S. Moody, Jr., United States District Court Judge
Counsel of Record