

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

CAESAR WHITE, JR.,  
Plaintiff,

vs.

Case No.: 3:09cv574/LAC/EMT

SUSAN NELMS, et al.,  
Defendants.

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**ORDER**

Plaintiff, a non-prisoner proceeding pro se, has filed a civil rights complaint pursuant to 28 U.S.C. § 1331 (Doc. 1). Plaintiff has also submitted an application for leave to proceed in forma pauperis (“IFP”) (Doc. 8).

Upon review of the motion to proceed IFP and attached financial affidavit, the undersigned concludes that Plaintiff has failed to provide sufficient information for the court to grant the motion. For example, in the affidavit of financial status, Plaintiff indicates that he owns a car valued at \$1200.00, has \$1000.00 cash in a bank or credit union account, currently receives \$1006.00 monthly in unemployment benefits, and has a Florida Retirement System account with a balance of \$3167.90. The information provided by Plaintiff reflects that he presently has adequate income to cover his stated monthly financial obligations for essentials, such as rent (\$150.00), food (estimated by Plaintiff to be \$200.00 to \$400.00), and fuel (\$100.00). It also appears that Plaintiff has sufficient funds to pay other monthly expenses for such non-essential items as cell phone service (\$46.00) and storage (\$95.00). Plaintiff states that his student loan debt is presently in deferment.

In order to proceed with this case, Plaintiff must either pay the filing fee for a civil case of \$350.00 or file a properly completed IFP application. To the extent Plaintiff asserts that his financial circumstances have changed since filing the instant application, i.e., his unemployment benefits have

in fact been reduced, he may so state in the amended application which is signed under penalty of perjury.

Accordingly, it is **ORDERED**:

1. Plaintiff's motion to proceed in forma pauperis (Doc. 8) is **DENIED without prejudice**.

2. The clerk shall send Plaintiff a motion to proceed in forma pauperis and a financial affidavit approved for use by non-prisoners in the Northern District of Florida.

3. Within **THIRTY (30) DAYS** from the date of docketing of this order Plaintiff shall (1) pay the \$350.00 filing fee, or (2) submit a completed motion to proceed in forma pauperis with the requisite affidavit of financial status.

4. Failure to comply with this order as instructed may result in a recommendation that this case be dismissed for failure to comply with an order of the court.

**DONE AND ORDERED** this 12<sup>th</sup> day of February 2010.

*/s/ Elizabeth M. Timothy* \_\_\_\_\_  
**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**