

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**

This matter is before the court on Plaintiff's motion for leave to proceed in forma pauperis (Doc. 2).

Upon review of the motion and attached financial affidavit, the court 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 reports that he owns a vehicle worth \$1000.00 (Doc. 3 at 2). Plaintiff also reports that he may have a "little income" in the State of Florida retirement system but does not identify the amount of this asset (*id.* at 4). Further, Plaintiff indicates in the affidavit that, "when [he] can afford to pay," he makes monthly payments on debts totaling \$900 to \$1000, including for rent (\$150.00), student loans (\$159.00), cell phone service (\$46.00), fuel (\$100.00), food (\$300.00 to \$400.00), legal fees (\$25.00 to \$100.00+), and storage charges (\$95.00) (*id.* at 3). Plaintiff reports having no cash on hand, no credit cards, savings of only \$150.00, and no income or other assets whatsoever, however, to pay the expenses for his nonessential needs, much less the expenses for his essential needs such as rent and food.

In order to proceed with this case, Plaintiff must either pay the full filing fee of \$350.00 or file a properly completed in forma pauperis application. If he chooses to submit a new in forma pauperis application, he should provide his best estimate of his monthly income and expenses,

including the source and amount of all funds on which he depends to meet his monthly expenses, so the court has sufficient information upon which to consider his eligibility to proceed in forma pauperis.

Accordingly, it is **ORDERED**:

1. The clerk of court is directed to send Plaintiff a copy of the forms for non-prisoner pro se parties to request leave to proceed in forma pauperis. This case number shall be written on the forms.

2. Plaintiff's motion to proceed in forma pauperis (Doc. 2) is **DENIED WITHOUT PREJUDICE**. Within **THIRTY (30) DAYS** from the date of docketing of this order, Plaintiff shall pay the full \$350.00 filing fee or submit a motion to proceed in forma pauperis with a properly completed affidavit of financial status.

3. Failure to comply with this order may result in a recommendation of dismissal of this action.

**DONE AND ORDERED** this 11<sup>th</sup> day of January 2010.

*/s/ Elizabeth M. Timothy* \_\_\_\_\_

**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**