

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

KEVIN ANTHONY MOORE,
Plaintiff,

vs.

Case No. 5:10cv38/RH/EMT

FEDERAL BUREAU OF PRISONS, et al.,
Defendants.

ORDER

Plaintiff, a non-prisoner proceeding pro se, commenced this action by filing a civil rights complaint, which the court construed as brought pursuant to 28 U.S.C. § 1331 and Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S. Ct. 1999, 29 L. Ed. 2d 619 (1971). This matter is now before the court on Plaintiff's renewed motion for leave to proceed in forma pauperis (Doc. 9).¹

Upon review of Plaintiff's renewed application to proceed in forma pauperis, which Plaintiff signed under penalty of perjury, the court concludes the application should be denied. Plaintiff indicates that his monthly income totals approximately \$1,680.00, as he receives \$210.00 per week from A.F.D.C.—or approximately \$840.00 per month—and, apparently, \$840.00 per month in unemployment benefits. Plaintiff claims debts totaling \$1005.00, which leaves approximately \$675.00 per month available in disposable income. Additionally, Plaintiff states that he owns an unencumbered vehicle worth \$1500.00.² Therefore, it affirmatively appears that leave to proceed

¹ Plaintiff has also filed an amended complaint (Doc. 8), and a response to the court's March 31, 2010, order (Doc. 10). The court will not address either of these filings until Plaintiff has paid the filing fee in this case.

² Plaintiff also apparently holds an ownership interest in real property (currently in probate) which is valued at \$100,000.00, with a mortgage of \$92,000.00.

in forma pauperis should be denied. In order to proceed with this case, Plaintiff will be required to pay the full filing fee of \$350.00.

Accordingly, it is **ORDERED**:

1. Plaintiff's renewed motion for leave to proceed in forma pauperis (Doc. 9), is **DENIED**. Plaintiff shall pay the filing fee within **THIRTY (30) DAYS** of the date of docketing of this order.

2. Failure to comply with this order will result in a recommendation of dismissal of this case for failure to comply with an order of the court.

DONE AND ORDERED this 6th day of May 2010.

/s/ Elizabeth M. Timothy _____
ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE