

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.

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**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. 16).<sup>1</sup>

Upon review of Plaintiff's renewed application to proceed in forma pauperis the court concludes the application should be denied. Plaintiff apparently indicates in the Affidavit of Financial Status attached to his application that he receives \$219.00 every two weeks plus \$438.00 every two weeks in unemployment benefits (*see* Doc. 16 at 4). Thus, although Plaintiff's notations on the Affidavit are confusing and make understanding the document difficult, Plaintiff evidently reports that he receives \$1314.00 monthly in benefits.<sup>2</sup> Plaintiff claims debts totaling \$940.00,

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<sup>1</sup> 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 or demonstrated his eligibility to proceed in forma pauperis.

<sup>2</sup> An exhibit attached to Plaintiff's motion indicates that his weekly benefit amount is \$219.00 and that his total available credits are \$890.00 (Doc. 16 at 7). Based on this document and the assertions made in the Affidavit of Financial Status, it is unclear to the court the precise amount of Plaintiff's monthly unemployment benefit. If Plaintiff

which leaves approximately \$374.00 per month available in disposable income. Additionally, Plaintiff states that he owns an unencumbered vehicle worth \$1500.00.<sup>3</sup> Therefore, it affirmatively appears that leave to proceed in forma pauperis should be denied at this time. In order to proceed with this case, Plaintiff must pay the full filing fee of \$350.00 or submit an application that clearly establishes that he is entitled to be granted in forma pauperis status.

Accordingly, it is **ORDERED**:

1. Plaintiff's renewed motion for leave to proceed in forma pauperis (Doc. 16), is **DENIED**. Plaintiff shall pay the filing fee within **THIRTY (30) DAYS** of the date of docketing of this order or submit an application that clearly establishes he is entitled to be granted in forma pauperis status.

2. The clerk shall provide Plaintiff with a non-prisoner's application for leave to proceed in forma pauperis.

3. 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 17<sup>th</sup> day of May 2010.

*/s/ Elizabeth M. Timothy*

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

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is receiving \$219.00 weekly in benefits, in plain and unequivocal terms he should so indicate to the court.

<sup>3</sup> Plaintiff also apparently holds an ownership interest in real property (presently in probate) which he currently states is valued at \$90,000.00, with a mortgage of \$92,000.00. The court notes that Plaintiff previously reported the value of the real property as \$100,000.00 (*see* Docs. 2, 9). Plaintiff has also provided what appears to be inconsistent information in his prior applications regarding expenditures and income (*see id.*). Plaintiff is reminded that the Affidavit of Financial Status is signed under penalty of perjury and that all information provided in the Affidavit must be truthful and, to the best of Plaintiff's knowledge, correct.