

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 (*see* Doc. 1), which the court construes 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). Plaintiff has also filed a motion for leave to proceed in forma pauperis (Doc. 2). In the affidavit of financial status attached to his motion for leave to proceed in forma pauperis, Plaintiff indicates that his monthly income is approximately \$1,000.00, with monthly debts totaling approximately \$675.00 (*id.* at 3). Thus Plaintiff reports that he has approximately \$325.00 per month available in disposable income. Additionally, Plaintiff states that he owns an unencumbered vehicle worth \$1000.00. Therefore, it affirmatively appears that leave to proceed in forma pauperis should be denied.¹ In order to proceed with this case, Plaintiff must pay the full

¹ In response to questions in Section IV. Financial Status pertaining to the ownership of real property, Plaintiff indicates that he does not own the home in which he resides and he does not identify in whose name the property is titled. Nevertheless, Plaintiff indicates there is approximately \$11,000.00 of equity in the home and to whom the mortgage payment is made. Thus, while it not entirely clear whether Plaintiff in fact has an ownership interest in the property, to the extent he does the court likewise considers this asset in determining his eligibility to proceed in forma pauperis.

filing fee of \$350.00.

Accordingly, it is **ORDERED**:

1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) 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 may result in a recommendation of dismissal of this case for failure to comply with an order of the court.

DONE AND ORDERED this 3rd day of March 2010.

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