

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**JAMES EDMONDS,**

**Plaintiff**

v.

**MICHAEL THURMAN, Commissioner  
of the Georgia Department of Labor, et al.,**

**Defendants**

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**5:07-CV-43 (WDO)**

**ORDER**

The Court has twice dismissed this case based on the frivolity of Plaintiff’s claims, and consequently denied Plaintiff’s motion to proceed *in forma pauperis*, or without the payment of fees. Plaintiff filed a Third Amended Complaint along with a motion to proceed IFP but failed to provide the required affidavit setting forth the basis for his motion to proceed IFP. The Court therefore instructed the Clerk’s Office to mail Plaintiff the appropriate form. Plaintiff returned the IFP form on which it is indicated that Plaintiff has \$900 per month income from Social Security, potential supplemental income from teaching and no liabilities other than a possible credit card payment. Plaintiff therefore failed to show he is eligible to proceed IFP in this case. See Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 (11<sup>th</sup> Cir. 2004) (discussing determinations that must be made when a plaintiff requests to proceed IFP). Because Plaintiff failed to make this showing, and because the

claims appear to be frivolous, the motion to proceed IFP is denied and this case is dismissed without prejudice. If Plaintiff wishes to pursue this case, he must pay the entire filing fee along with an amended complaint that succinctly sets forth his claims and the jurisdictional basis for those claims, such as a particular federal statute or constitutional provision or federal court case on which Plaintiff is intending to base his claim.

**SO ORDERED, this 13<sup>th</sup> day of March, 2007.**

**S/  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE**