

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

NANCY M. PRICE,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
DONALD H. RUMSFELD, Secretary,	:	NO. 7:06-CV-20(HL)
Department of Defense,	:	
	:	
Defendant	:	<u>ORDER</u>

Pro se plaintiff **NANCY M. PRICE** has complied with the previous order of this Court to provide a non-prisoner *in forma pauperis* form. A review of plaintiff’s affidavit of indigence discloses a net household monthly income of \$5,300 (or \$63,600 per year). Plaintiff states that she and her husband own a home valued at \$178,000, that they own four vehicles of undisclosed value (two of which apparently are inoperable), and that they have \$500 in their checking account and \$3,000 in a thrift savings account. Plaintiff lists home mortgage debt of approximately \$179,000, vehicle debts of approximately \$31,300, and other debts of approximately \$4,100. Plaintiff indicates monthly debt service payments and other mandatory expenses equal to approximately \$3,046. Plaintiff further states that any funds remaining after payment of the aforesaid monthly expenses are “spent on food, school lunches, clothes, vehicles (gas, maintenance), family outings, electric, and trying to fix up our new home, and emergencies.”

The filing fee required for civil actions filed in this Court is \$250. Section 1915(a)(1) provides that this Court may waive payment of the filing fee if a plaintiff’s affidavit indicates that

she is unable to pay such fee. As noted by the Eleventh Circuit Court of Appeals, such an affidavit is sufficient if it “represents that the litigant, because of his poverty, is unable to pay for the court fees and costs, and to support and provide necessities for himself and his dependents.” *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir. 2004) (citing *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 338-49 (1948)).

This Court recognizes that plaintiff’s family possesses little or no equity in its assets. Plaintiff’s affidavit nevertheless indicates that her family receives \$5300 a month in net income and has only \$3,046 in required monthly payments. While this Court is sympathetic to plaintiff’s situation, the Court does not see why plaintiff cannot pay this one time \$250 filing fee from the over \$2000 of available monthly funds.

Accordingly, plaintiff’s application to proceed *in forma pauperis* is **DENIED**. Plaintiff shall have thirty (30) days from the date of her receipt of this order to pay the required \$250 filing fee to the Clerk of the Court. There shall be no service in this case until further order of the Court.

SO ORDERED, this 3rd day of April, 2006.

s/ **Hugh Lawson**
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

cr