

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DAVID MCDONALD-FORTE and  
JACQUELINE FORTE,**

**Plaintiffs,**

**v.**

**MERRILL LYNCH MORTGAGE  
INVESTORS TRUST, SERIES  
MLCC 2004-D,**

**Defendant.**

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**1:14-cv-01660-WSD**

**OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Justin S. Anand's Report and Recommendation ("R&R") on Plaintiffs' Application to Proceed in Forma Pauperis ("IFP"). On May 29, 2014, Plaintiffs filed an application to proceed IFP, and a Complaint against Defendant Merrill Lynch Mortgage Investors Trust, Series MLCC 2004-D for wrongful foreclosure. On May 30, 2014, the Magistrate Judge issued a R&R, recommending that Plaintiffs' application to proceed IFP should be denied because Plaintiffs failed to establish that they did not have sufficient income and assets to pay the filing fee or incur the costs of these proceedings. Plaintiffs did not object to the R&R. The Court finds no plain error in the Magistrate Judge's recommendation that the application to proceed IFP be

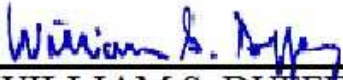
denied. The Magistrate Judge also recommended that Plaintiffs should be allowed to pay the filing fee in monthly installments of \$100 per month until the filing and administrative fees are paid in full. This finding is moot because Plaintiffs paid the required filing fee on June 3, 2014.

Accordingly, for the foregoing reasons,

**IT IS HEREBY ORDERED** that Magistrate Judge Justin S. Anand's Report and Recommendation is **ADOPTED AS MODIFIED**.

**IT IS FURTHER ORDERED** that Plaintiffs' application to proceed in forma pauperis is **DENIED AS MOOT**.

**SO ORDERED** this 24th day of September, 2014.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE