

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CURTIS PAUL CHUN,)	Civ. No. 11-00508 ACK-RLP
)	
Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

**ORDER ADOPTING MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION**

On August 22, 2011, the magistrate judge's "Findings and Recommendation That Plaintiff's Application to Proceed Without Prepayment of Fees Be Denied" were filed and served on all parties. Doc. No. 5 ("8/22/11 F&R"). Plaintiff filed a letter with this Court on August 25, 2011, objecting to the 8/22/11 F&R and requesting that the Court "accelerate th[ese] complaint proceedings." Doc. No. 6.

A district court reviews de novo those portions of a magistrate judge's findings and recommendation to which an objection is made and may accept, reject, or modify, in whole or in part, the findings and recommendation made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); D. Haw. Local Rule 74.2.

The Court is not persuaded by Plaintiff's objections to the 8/22/11 F&R. The 8/22/11 F&R recommends denying Plaintiff's

Application to Proceed Without Prepaying Fees because Plaintiff's application indicates that his annual income as an employee for the City and County of Honolulu is \$28,000, which is more than double the applicable poverty threshold in Hawaii.^{1/} Although the Court is sympathetic to Plaintiff's contention that he is "behind in credit payments owed because of [his] chemical sensitivities," which have "overwhelmed [his] financ[ial] capabilit[ies]," see Doc. No. 6 at 1, the Court agrees with the magistrate judge that Plaintiff has not demonstrated his entitlement to proceed without prepayment of fees or costs under 28 U.S.C. § 1915.^{2/}

Accordingly, IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to Title 28, United States Code, Section 636(b)(1)(C) and Local Rule 74.2, the 8/22/11 F&R are adopted as the opinion and order of this Court.

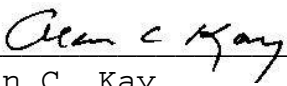
^{1/} The poverty threshold for a one-person family in Hawaii is \$12,540. 8/22/11 F&R at 2.

^{2/} The Court suggests that if Plaintiff believes his neighbor is conducting unlawful activities that impair Plaintiff's "chemical sensitivities," then Plaintiff should seek assistance from the appropriate government authorities.

IT IS SO ORDERED

DATED: Honolulu, Hawai'i, September 13, 2011.





Alan C. Kay
Sr. United States District Judge

Chun v. United States of America, Civ. No. 11-00508 ACK-RLP: Order Adopting
Magistrate Judge's Findings and Recommendation.