

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

ERIC WILSON, as an individual as guardian
of K.W.,

Plaintiff,

v.

PROJECT PATCH, INC.,

Defendant.

Case No. 1:17-cv-00213-DCN

**MEMORANDUM DECISION AND
ORDER**

On April 19, 2017, Eric Wilson filed a Motion for Leave to Proceed in forma pauperis in this case. Dkt. 2. On June 14, 2017, the Honorable Candy W. Dale issued an initial review order in this case. Dkt. 9. When the parties fail to consent to have a case assigned to a United States Magistrate Judge, a United States District Judge must enter a final order on a motion to proceed in forma pauperis under 28 U.S.C. § 636. Therefore this case was reassigned to a district judge for consideration. The Court hereby incorporates Judge Dale's previous findings and analysis in this matter.

In his application to proceed in forma pauperis, Plaintiff reports that he earns gross wages of \$128,000 per year, and that his net wages each month are \$6,200. He owns a home, and indicates he has monthly expenses of \$3,700 for his home mortgage; \$1,500 for a home health aide for his disabled spouse; \$1,000 for college tuition; \$800 for food; \$250 for utilities; and \$200 for his spouse's medical treatment. Although it appears Plaintiff spends more than he earns each month, Plaintiff does not meet the criteria to establish that he is indigent under 28 U.S.C. § 1915, and may not proceed without the prepayment of filing fees or costs.

ORDER

IT IS ORDERED:

1. Plaintiff's Motion to Proceed *In Forma Pauperis* (Dkt. 2) is **DENIED**.
2. Plaintiff must pay the filing fee of \$400.00 before he will be allowed to proceed with his complaint.¹ He may do so in monthly installments of \$100.00.



DATED: October 10, 2017

A handwritten signature in black ink, appearing to read "David C. Nye", written over a horizontal line.

Honorable David C. Nye
United States District Court

¹ As part of her initial review, Judge Dale did review Wilson's claims and found them valid. Once the filing fee is paid, this case will move forward.