

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RACHEL MAREEA STAPLES,

Plaintiff,

v.

OUTSOURCE RECEIVABLES
MANAGEMENT, CHRIS GREEN,
KEITH REIMER, STERLING
SAVINGS BANK-PC,

Defendants.

Case No. 4:12-cv-00014-BLW

ORDER

The Clerk of Court conditionally filed Plaintiff's Complaint based on her *in forma pauperis* request. Magistrate Judge Dale reviewed the Complaint to determine whether any of the claims should be summarily dismissed under 28 U.S.C. §1915 and 1915A. The undersigned agrees with Judge Dale's determination and adopts the Initial Review Order as written. (Dkt. 6). Specifically, the Court finds that Plaintiff has stated good faith claims for relief under the FDCPA. Therefore, Plaintiff's claims in Count I for false representation of the debt under 15 U.S.C. § 1692e and continued collection activity in violation of 15 U.S.C. § 1692g(b) may proceed. However, her claims in Count II under 15 U.S.C. § 1692k will be dismissed.

With respect to payment of the filing fee, Plaintiff has filed two separate affidavits.

ORDER - 1

According to the first, Plaintiff does not meet the full criteria to establish that she is indigent under 28 U.S.C. § 1915. Based upon the second, she does meet the full criteria. Accordingly, the Court ordered Plaintiff to file a notice with the Court indicating which *In Forma Pauperis* Application, Dkt. 1 or Dkt 5, is accurate, and why Plaintiff filed two applications. (Dkt. 7). Plaintiff filed the notice and indicated that her husband passed away, which is why her income was reduced, and why she filed the second affidavit. Under these circumstances, the Court finds that Plaintiff meets the criteria to establish that she is indigent under 28 U.S.C. § 1915. Accordingly, the filing fee shall be waived.

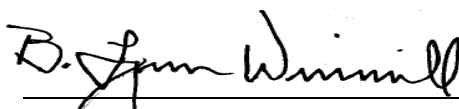
ORDER

IT IS ORDERED:

1. Plaintiff's *In Forma Pauperis* Application (Dkt. 1) is **DEEMED MOOT**.
2. Plaintiff's *In Forma Pauperis* Application (Dkt. 5) is **GRANTED**.



DATED: **October 25, 2012**


Honorable B. Lynn Winmill
Chief U. S. District Judge