

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

MARCIE K. TAYSOM,

Plaintiff,

v.

BANNOCK COUNTY, an Idaho  
political subdivision; SHERIFF LOREN  
NIELSEN, in his official and individual  
capacity; JACOB MICHAELSON, in his  
official and individual capacity; KEVIN  
FONNESBECK, in his official and  
individual capacity; ELLIE PETERSON,  
in her official and individual capacity,

Defendants.

Case No. 1:12-cv-00020-BLW

MEMORANDUM DECISION AND  
ORDER

**INTRODUCTION**

The Court has before it Plaintiff Marcie K. Taysom's Request for Waiver of Bond Pursuant to I.C. § 31-3220 (Dkt. 3). The Court has reviewed the record and determined that oral argument will not aid the decisional process. The Motion is therefore at issue. For the reasons set forth below, the Court will grant the Motion.

**ANALYSIS**

I.C. § 6-610(2) requires a plaintiff to post bond before it initiates suit against a law enforcement officer. A court, however, may waive costs, fees and security for indigents.

I.C. § 31-3220. If a party files an affidavit stating that she is indigent and unable to pay the costs, fees and security associated with her case, the court can waive costs, fees and security if it finds, after informal inquiry, that the party is indigent. See Idaho Code § 31-3220(2).

On January 17, 2012, simultaneous with the filing of the Complaint, Plaintiff Marcie K. Taysom filed a Request for Waiver of Bond Pursuant to Idaho Code § 31-3220<sup>1</sup> and an affidavit claiming she is indigent. She includes in her affidavit her full legal name, her income, her spouse's income, the real and personal property she owns, her cash and checking accounts, her dependents, her debts, her monthly expenses, the nature of the action, and the basis for redress as required by Idaho Code § 31-3220A. Taysom states her income is \$2000 a month from unemployment benefits, which will end February 18, 2012, and her expenses are \$2000. She further states that she owns no real property, has no spouse, she has two dependents, and she has \$60,000 in student debt. Her affidavit suggests she meets the standard for indigence. The Court will therefore grant her motion to waive the bond.

### **ORDER**

**IT IS ORDERED that** Plaintiff Marcie K. Taysom's Request for Waiver of Bond Pursuant to I.C. § 31-3220 (Dkt. 3) is GRANTED.

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<sup>1</sup> After filing the Request for Waiver, the Docketing Clerk issued a Corrective Entry instructing Taysom to re-file the Request as a Motion. Because of this technical error, the docket shows that Taysom did not file the Motion to Waive the Bond until the day after the Complaint was filed even though the Request for Waiver was filed at the same time as the Complaint. To correct this clerical error, the Court deems the Motion (Dkt. 3) as filed nunc pro tunc on January 17, 2012.



DATED: February 7, 2012

*B. Lynn Winmill*

B. Lynn Winmill

Chief Judge

United States District Court