

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

GINA STUCKI, *et. al.*,

Plaintiffs,

v.

CITY OF POCA TELLO, *et. al.*,

Defendants.

Case No. 4:15-cv-00422-BLW

ORDER

The Court has before it Plaintiffs' Motion to Waive Bond or Set at \$0 (Dkt. 1). Plaintiffs have initiated a lawsuit against a law enforcement officer. Idaho Code § 6–610(2) requires a plaintiff to post bond before she initiates suit against a law enforcement officer. Plaintiffs ask the Court to waive that bond because their state law claims are intertwined with their §1983 claims, and requiring a bond would work an injustice and inhibit the Plaintiffs' pursuit of their federal claims. Plaintiffs cite no authority for such a waiver, and the Court is aware of none.

A court may only waive costs, fees and security for indigents under Idaho Code § 31–3220 if the party files an affidavit stating that she is indigent and unable to pay the costs. The Court may only do so, however, if after an informal inquiry, such as reviewing affidavits, the Court finds that the party is indigent. I.C. § 31–3220(2). But Plaintiffs have

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neither argued indigence nor have they provided the Court with any information to consider. Accordingly, the Court will deny the motion without prejudice.

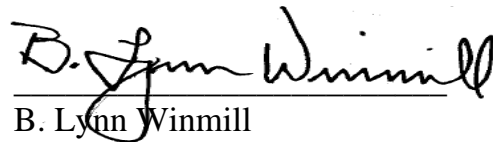
ORDER

IT IS HEREBY ORDERED:

1. Plaintiffs' Motion to Waive Bond or Set at \$0 (Dkt. 1) is **DENIED WITHOUT PREJUDICE.**



DATED: November 10, 2015



B. Lynn Winmill
Chief Judge
United States District Court