

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

JENNIFER PUTNAM,

Plaintiffs,

v.

PETE BOLL and CITY OF  
POCATELLO,

Defendants.

Case No. 4:16-cv-00013-BLW

**ORDER**

The Court has before it Plaintiff's Motion to Waive Bond or Set at \$0 (Dkt. 1). Plaintiff has 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.

However, a court may 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 if, after an informal inquiry, such as reviewing affidavits, the Court finds that the party is indigent. I.C. § 31-3220(2).

**ORDER - 1**

Here, Plaintiff filed an affidavit. She makes \$1800 per month after business expenses, but she is in the process of closing her business and selling the building. *Putnam Aff.*, Dkt. 1-1. She has \$800 per month in medical expenses, cares for two dependents, suffers from MS, is only able to work 2 days a week, and is seriously delinquent in paying her property taxes and credit card payments. *Id.* She can't meet her monthly living expenses. *Id.* Accordingly, the Court will grant the motion.

**ORDER**

**IT IS HEREBY ORDERED:**

1. Plaintiffs' Motion to Waive Bond or Set at \$0 (Dkt. 1) is **GRANTED**.



DATED: January 22, 2016

A handwritten signature in black ink that reads "B. Lynn Winmill".

B. Lynn Winmill  
Chief Judge  
United States District Court