

fails to see the need for Rushing to proceed *in forma pauperis* and Rushing has not so argued. Accordingly, the Court **DENIES** the instant motion (Doc. 9) **without prejudice**. The Court makes no finding as to whether Rushing's claims are frivolous or malicious.

IT IS SO ORDERED.
DATED: April 19, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE