

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

TIMOTHY OWEN PARKS, )  
v. )  
Plaintiff, )  
)  
STATE OF KANSAS, CITY OF SHAWNEE, )  
KANSAS, )  
Defendants. )  
)  
Case No. 06-2156-CM

## **ORDER**

This matter is before the court on plaintiff's application to file this action without payment of fees or security (**doc. 2**).

Section 1915 of Title 28, United States Code allows the court to authorize the commencement of a civil action “without prepayment of fees or security therefor, by a person who submits an affidavit that . . . the person is unable to pay such fees or give security therefor.” “Proceeding *in forma pauperis* in a civil case ‘is a privilege, not a right—fundamental or otherwise.’”<sup>1</sup> The decision to grant or deny *in forma pauperis* status under section 1915 lies within the sound discretion of the trial court.<sup>2</sup>

<sup>1</sup> *Barnett ex rel. Barnett v. Northwest School*, No. 00-2499, 2000 WL 1909625 (D. Kan. Dec. 26, 2000)(quoting *White v. Colorado*, 157 F.3d 1226, 1233 (10th Cir. 1998) cert. denied , 526 U.S. 1008 (1999)).

<sup>2</sup> *Id.* (citing *Cabrera v. Hargas*, No. 98-4231, 1999 WL 241783, at \*1 (10th Cir. April 23, 1999)(citations omitted)).

Plaintiff's affidavit of financial status is incomplete. Plaintiff has failed to provide any personal data, i.e., his age or address. Plaintiff has also failed to provide any information regarding current or past employment. The court finds it highly unlikely that plaintiff has never been employed. Other than electricity and rent, plaintiff has not indicated that he has any other financial obligations, which would include grocery expense. Again, the court finds it highly unlikely the plaintiff does not spend some amount of money on groceries.

Based on the sparse information provided by plaintiff, the court is unable to determine whether plaintiff has sufficient financial resources to pay the court's filing fees. The court, therefore, orders plaintiff to provide a supplemental financial affidavit which includes the above-mentioned information, as well as any other matters which might be pertinent to the court in its determination of whether to allow plaintiff to proceed *in forma pauperis* in this case no later than **May 5, 2006**. Following receipt of this information, the court will consider plaintiff's application.

Copies of this order shall served upon on *pro se* plaintiff by regular and certified mail.

**IT IS SO ORDERED.**

Dated this 25th day of April, 2006, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge