

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ELVIS J. GRUBBS,

Plaintiff,

v.

THE SALVATION ARMY,

Defendant.

Case No. 5:13-CV-04017-DDC-TJJ

ORDER

Plaintiff has filed a Motion to Proceed Without Prepayment of Fees (Doc. 46). Plaintiff's motion seeks leave to appeal this Court's Order denying plaintiff's motion for summary judgment and granting defendant's motion for summary judgment (Docs. 41, 42) without payment of fees and costs. Magistrate Judge Theresa J. James reviewed plaintiff's motion and the accompanying financial affidavit and submitted a Report and Recommendation to this Court (Doc. 47). Judge James' Report advised that plaintiff's motion be denied.

Neither party filed a written objection to Judge James' Report within Federal Rule of Civil Procedure 72(a)'s 14-day time limit. After carefully considering Judge James' Report and Recommendation, the Court adopts it in full. The facts and analysis set forth in Judge James' Report and Recommendation shall serve as this Court's statement of reasons for denying plaintiff's motion for purposes of Fed. R. App. P. 24(a)(5).

IT IS THEREFORE ORDERED BY THE COURT Judge James' Report and Recommendation (Doc. 47) is adopted in full. Plaintiff's Motion to Proceed Without Prepayment of Fees (Doc. 46) is denied. The Court orders plaintiff to prepay the full \$505 filing fee within 30 days of this Order. If plaintiff fails to pay the filing fee within 30 days, the Court will dismiss his appeal.

IT IS SO ORDERED.

Dated this 13th day of February, 2015, at Topeka, Kansas

s/ Daniel D. Crabtree

Daniel D. Crabtree
United States District Judge