

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ANGEL PETERSON, #240544,

Plaintiff,

v.

Case Number 1:14-CV-13000
Honorable Thomas L. Ludington

ROCKY BURRIS, et al.,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S APPLICATION TO
PROCEED WITHOUT PREPAYMENT OF FEES AND COSTS AND
DISMISSING WITHOUT PREJUDICE HER CIVIL RIGHTS COMPLAINT**

Plaintiff Angel Peterson, a state prisoner currently confined at the Huron Valley Women's Correctional Facility in Ypsilanti, Michigan, has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983 and an application to proceed without prepaying the fees and costs for this action pursuant to 28 U.S.C. § 1915(a).

Although Plaintiff allegedly lacks funds to pay the filing fee for this action, she states that she received \$33,763.31 from a lawsuit, that she has \$11,007.11 in a checking account, that she has a mutual fund worth \$5,959.22, and that she has a current spendable balance of \$221.27 in her prison account as of August 12, 2014 when an administrative officer at the prison certified her financial statement. Moreover, the Court notes that the government provides Plaintiff with food, clothing, and shelter such that requiring payment of the filing fee for this action will not force her to go without necessary incidentals. *See Lyon v Krol*, 127 F.3d 763, 765 (8th Cir. 1997). The available financial data provided by Plaintiff has not established indigence.

Accordingly, it is **ORDERED** that Plaintiff's application to proceed without the prepayment of fees and costs, ECF No. 4, is **DENIED**.

It is further **ORDERED** that and Plaintiff's civil rights complaint is **DISMISSED WITHOUT PREJUDICE**. Plaintiff may refile her complaint as a new action with payment of the \$350.00 filing fee and the \$50.00 administrative fee (\$400.00 total). The Court makes no determination as to the merits of the complaint at this time.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 10, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon Angel Peterson #240544 at Huron Valley Complex - Womens, 3201 Bemis Road, Ypsilanti, MI 48197 by first class U.S. mail on September 10, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS