

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ALBERT J. BARBIERI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:07CV00318 ERW
	)	
BANK OF AMERICA,	)	
	)	
Defendants.	)	

**ORDER AND MEMORANDUM**

This matter is before the Court upon the application of Albert J. Barbieri for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a).

In his financial affidavit, plaintiff states that (1) he is not employed; (2) his spouse is not employed; (3) in the past twelve months, he has received other "income" in the amount of \$1,900 per month as "retirement from Wells Fargo Bank," and \$1,400 per month from Social Security; (4) he currently has \$5,000 in cash on hand or in a savings or checking account; (5) he owns three automobiles valued at \$30,000 and a home valued at \$900,000; (6) he has listed two dependents: his wife and a son; and (7) his debts consist of his home (\$2,400 per month/\$420,000 total debt); and American Express (\$100 per month/\$2,000 total debt).

Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially able to pay the filing fee of Three Hundred and Fifty Dollars (\$350). See 28 U.S.C. § 1914(a).

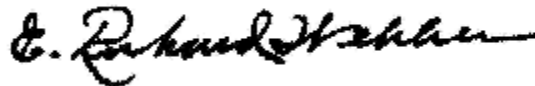
Therefore,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **DENIED**.

**IT IS FURTHER ORDERED** that, at this time, the Clerk shall not issue process or cause process to issue upon the complaint.

**IT IS FURTHER ORDERED** that plaintiff shall have thirty (30) days from the date of this Order to pay the statutory filing fee of \$350, and that if he fails to do so, the case shall be dismissed, without prejudice.

So Ordered this 5th Day of March, 2007.



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**E. RICHARD WEBBER**  
**UNITED STATES DISTRICT JUDGE**