

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CLINT PHILLIPS, III,)	
)	
Plaintiff,)	
)	
v.)	No. 4:13CV00973 ERW
)	
UNKNOWN WOOD,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Upon review of the financial affidavit, the Court has determined that plaintiff is unable to pay the filing fee.¹ 28 U.S.C. § 1915. Consequently, the motion will be granted.

Moreover, the Court has reviewed plaintiff's complaint and found that his allegations brought pursuant to 42 U.S.C. § 1983 of false arrest, false imprisonment and illegal search and seizure survive review under § 1915 at this time. As such, the Court will order the Clerk of Court to issue process on defendant Wood.

¹The Court takes judicial notice of plaintiff's fully completed CJA 23 Financial Affidavit filed in a case filed simultaneously with this one, Phillips v. Christian Hospital Northeast, 4:13CV1018 CAS, wherein plaintiff indicated that he is not currently employed. In the financial affidavit plaintiff filed in that case he properly completed the boxes marked "assets" and "other income," such that the Court was able to make a financial determination regarding his financial status.

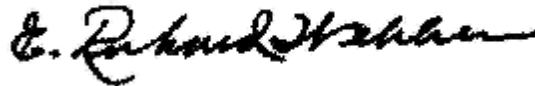
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue on the complaint.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel [ECF No. 4] is **DENIED** at this time with leave to refile at a later date.

So Ordered this 4th day of June, 2013.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE