

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

KENNETH O'BRYANT,

Plaintiff,

vs.

WORLD MANAGEMENT INC.,

Defendant.

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Case No. 4:16-cv-00836-NCC

MEMORANDUM AND ORDER

This matter is before the Court on *pro se* Plaintiff's Motion to Proceed in Forma Pauperis (Doc. 15). In light of Plaintiff's Notice of Appeal (Doc. 14) filed the same day as the current Motion, the Court will construe Plaintiff's Motion as a Motion for Leave to Proceed in Forma Pauperis on Appeal.

Plaintiff commenced this action on June 10, 2016, alleging employment discrimination based on his race and "other" (Doc. 1). On that same day, Plaintiff filed a Motion for Leave to Proceed in Forma Pauperis (Doc. 2). However, in support of his Motion, Plaintiff submitted a partially-completed financial affidavit CJA Form 23 (Doc. 3). On August 8, 2016, the Court directed Plaintiff to either pay the filing fee or submit a fully-completed CJA Form 23 because Plaintiff failed to state whether he has cash or funds in a savings or checking account, and if he does, the total amount of said account(s) (Doc. 5). Plaintiff submitted another partially-completed financial affidavit CJA Form 23 in support of the application for in forma pauperis status, again failing to state whether he has cash or funds in a savings or checking account, and if he does, the total amount of said account(s) (Doc. 6). The Court again directed Plaintiff to either pay the filing fee or submit a fully-completed CJA Form 23 (Doc. 7). On October 7, 2016, in

response to the Court's order, Plaintiff paid the \$400.00 filing fee. Accordingly, the Court entered an order denying Plaintiff's Motion to Proceed in Forma Pauperis as moot and directing Plaintiff to cause service of process to be effected upon the Defendant no later than Thursday, January 5, 2017 (Doc. 8). As of today's date, Plaintiff has not provided the Court with notice that he has effected service on Defendant.

On November 11, 2016, Plaintiff moved for the appointment of counsel (Doc. 11). The Court denied Plaintiff's request without prejudice (Doc. 13). On December 27, 2016, Plaintiff filed a notice of appeal of the Court's decision denying him the appointment of counsel (Doc. 14). Plaintiff also sought leave to proceed in forma pauperis. However, as before, Plaintiff has failed to submit the required financial affidavit; in fact, the record contains a notation that Plaintiff refused to submit such affidavit. The absence of a financial affidavit leaves the Court unable to consider the instant motion. *See* 28 U.S.C. § 1915(a)(1). The Court will therefore give Plaintiff ten days from the date of this Order to submit a fully completed Form CJA 23 (Financial Affidavit). Plaintiff's failure to timely comply with this Order may result in the denial of his Motion for Leave to Proceed in Forma Pauperis.

Accordingly,

IT IS HEREBY ORDERED that, no later than **April 21, 2017**, Plaintiff shall submit a fully-completed Form CJA 23 (Financial Affidavit).

IT IS FURTHER ORDERED that the Clerk of Court shall mail to plaintiff a copy of the Court's Form CJA 23 (Financial Affidavit).

Dated this 11th day of April, 2017.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE