

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

MARY BOWER and)	
WILLIAM D. LANE,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 05-3222-CV-S-ODS
)	
STATE FARM FIRE & CASUALTY,)	
)	
Defendant.)	

ORDER AND OPINION GRANTING PLAINTIFFS’
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Pending is Plaintiffs’ Motion for Leave to Proceed In Forma Pauperis (Doc. # 1). After reviewing the Complaint and supplemental information (Doc. # 4), Plaintiffs’ request to proceed in forma paueris is granted.

Under 28 U.S.C. § 1915(a)(1), the Court may authorize the commencement of an action without the payment of fees, costs or security. When determining whether to allow a plaintiff to proceed in forma pauperis, a court first determines whether the plaintiff has stated a claim in accordance with 28 U.S.C. § 1915. Section 1915(e)(2) states:

Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that (A) the allegation of poverty is untrue; or (B) the action or appeal - (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.

According to Plaintiffs’ Complaint and the supplemental information they provided the Court, Plaintiffs alleges claims of fraud, spoliation of evidence, slander and invasion of privacy against Defendant State Farm Fire and Casualty. Plaintiffs fail to state a claim upon which relief may be granted on their claims of fraud, spoliation of evidence or slander. However, it appears that Plaintiffs may have stated a claim for invasion of

privacy. For this reason and for the purpose of proceeding with this claim only, Plaintiffs' motion for leave to proceed in forma pauperis is granted.

IT IS SO ORDERED.

Date: June 15, 2005

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT