


FILED**IN THE UNITED STATES DISTRICT COURT****AUG 07 2012****FOR THE DISTRICT OF MONTANA**PATRICK E. DUFFY CLERK
BY _____Deputy Clerk
U.S. DISTRICT COURT
BILLINGS DIVISION**BILLINGS DIVISION****HEATHER GALLAGHER,****CV-12-89-BLG-RFC****Plaintiff,****vs.****ORDER ADOPTING FINDINGS
AND RECOMMENDATION OF
U.S. MAGISTRATE JUDGE****LEGACY HOTEL GROUP, LLC,
d/b/a HOLIDAY INN LAKEWOOD,
and HOLIDAY INN LAKEWOOD,****Defendants.**

United States Magistrate Judge Carolyn S. Ostby has recommended that Gallagher's motion to proceed *in forma pauperis* be denied because she is not indigent—that is, she is able to pay or provide security for court costs and still provide herself with the necessities of life. Doc. 4, *citing Rowland v. Cal. Men's Colony*, 506 U.S. 194, 203 (1993). Judge Ostby further recommends that Gallagher be given a reasonable period of time to pay the full filing fee of \$350 and that if she does not do so, this case should be closed. Since her motion to proceed *in forma pauperis* was denied, Gallagher was not given an opportunity to file objections to Judge Ostby's Findings and Recommendations. *Minetti v. Port of*

Seattle, 152 F.3d 1113, 1114 (9th Cir. 1989). The Court has reviewed the file and concurs in Judge Ostby's Findings and Recommendations.

Accordingly, **IT IS HEREBY ORDERED** that Gallagher's motion to proceed *in forma pauperis* (doc. 1) is **DENIED**. Gallagher has ten days from the date this Order is filed to pay the \$350 filing fee. If she fails to do so, the Clerk of Court is directed to close this case.

DATED the 1st day of August, 2012.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE