

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LYNNE T. SHIPMAN,	)	
	)	
Plaintiff,	)	8:06CV327
	)	
v.	)	
	)	
WALMART ASSOCIATES,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the court on filing no. 2, the plaintiff’s motion to proceed in forma pauperis (IFP). When considering a motion to proceed in forma pauperis (“IFP”), the district court must determine whether the moving party qualifies financially and whether the case is frivolous or malicious. See 28 U.S.C. § 1915 (proceedings in forma pauperis). In this case, the plaintiff has filed an action based on employment discrimination, and the Complaint (filing no.1) is not frivolous or malicious.

However, I find that the plaintiff is not financially eligible to proceed IFP. The plaintiff’s financial affidavit indicates that she has approximately \$20,000 in savings and a vehicle worth approximately \$6,000-\$8,000. While by no means wealthy, I conclude that the plaintiff has sufficient resources to pay the filing fee without undue hardship. Therefore, I will deny IFP status on the ground that the plaintiff is not financially eligible to proceed IFP.

THEREFORE, IT IS ORDERED:

1. That filing no. 2 is denied, and the plaintiff shall have until, **May 26, 2006** to pay the full filing fee;
2. That in the absence of the filing fee this case will be subject to dismissal; and
3. That if the filing fee is paid, the court will instruct the plaintiff regarding service of process on the defendant.

DATED this 26<sup>th</sup> day of April, 2006.

BY THE COURT:

s/ F.A. Gossett  
United States Magistrate Judge