

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FIA CARD SERVICES, N.A.,)
)
 Plaintiff,)
)
 vs.)
)
 JOHNNY L. PERRYMAN,)
)
 Defendant.)

3:09-CV-0148-ECR (VPC)

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Edward C. Reed, Jr., United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B). Before the Court is defendant's request to proceed *in forma pauperis* (#1). For the reason set forth below, it is recommended that defendant's application be denied.

I. BACKGROUND, DISCUSSION & CONCLUSION

On March 23, 2009, defendant *in pro se* filed a notice of removal and an application to proceed *in forma pauperis* (#1). In his application to proceed *in forma pauperis*, defendant listed that he is currently employed with a salary of \$75,000 gross per year or \$58,000 net. *Id.* Defendant does not claim any disability or dependents; therefore, the court assumes that defendant will be able to continue working in the future. Accordingly, this court recommends that defendant's request to proceed *in forma pauperis* (#1) be **DENIED**, and that he be required to pay the full filing fee in the amount of \$350.00 to commence this action.

The parties are advised:

1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this report and recommendation within ten days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the District Court.

FIA Card Services, N.A. v. Perryman

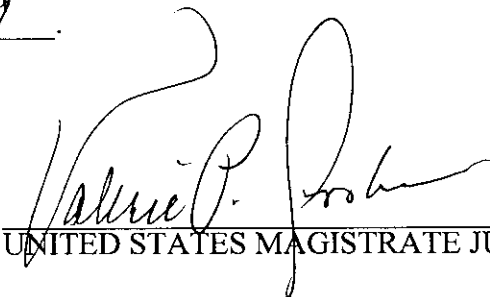
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2. This report and recommendation is not an appealable order and any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

II. RECOMMENDATION

IT IS THEREFORE RECOMMENDED that the district court enter an order **DENYING** defendant's request to proceed *in forma pauperis* (#1), and requiring him to pay the full filing fee in the amount of \$350.00 to commence this action.

DATED: April 14, 2009.


UNITED STATES MAGISTRATE JUDGE