

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MELISSA SMITH,

Plaintiff,

v.

No. 2:17-cv-01021-JCH-KRS

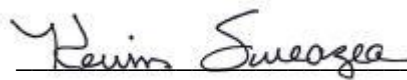
MICHAEL HARTLEY and
JAKE VU,

Defendants.

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

THIS MATTER comes before the Court upon Plaintiff's Application (Motion) to Proceed in District Court without Prepaying Fees or Costs [Doc. 2], filed October 10, 2017. The Court has the discretion to "authorize the commencement . . . of any suit . . . without prepayment of fees or security therefore, by a person who submits an affidavit that includes a statement of all assets [the person] possesses [and] that the person is unable to pay such fees or give security therefore." 28 U.S.C. § 1915(a)(1). Yet, a review of Plaintiff's affidavit of current income and assets reveals that Plaintiff has a monthly income of between \$1,800 and \$2,300, and that she owns her own business. Consequently, Plaintiff has failed to establish that she is unable to pay the required filing fee or that doing so will cause her substantial hardship.

IT IS, THEREFORE, ORDERED that Plaintiff's Application (Motion) to Proceed in District Court without Prepaying Fees or Costs [Doc. 2] is hereby **DENIED**.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE