

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:17-CV-225-BR

LYNDON F. FRINK,)
)
 Plaintiff,)
)
 v.)
)
 BEST RATE FUNDING CORP., et al.,)
)
 Defendants.)

ORDER

This matter is before the court on the 12 December 2017 Memorandum and Recommendation (“M&R”) of U.S. Magistrate Judge James E. Gates. (DE # 4.) In the M&R, Judge Gates recommends that plaintiff’s application to proceed *in form pauperis* be denied based on the amount of cash and assets reflected in the application. On 16 January 2018, the court received a letter from plaintiff dated 22 December 2017 requesting reconsideration of the recommendation because plaintiff’s “employment status changes constantly” and “income is not consistent.” (DE # 5.) The court construes this letter as an objection to the M&R. As such, the court conducts a *de novo* review of the M&R. See 28 U.S.C. § 636(b)(1). Having considered the information in plaintiff’s objection and his application, plaintiff’s objection is OVERRULED, and the court adopts the M&R as its own. Plaintiff’s application is DENIED. In accordance with Local Civil Rule 3.2, plaintiff shall be allowed 30 days from the date this order is filed to pay the requisite filing fee. If he fails to do so, the Clerk shall re-designate this

action as a miscellaneous case and close the matter without further order from the court.

This 12 February 2018.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is written over a horizontal line.

W. Earl Britt
Senior U.S. District Judge