

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14-cv-282-FDW**

JOSE EDY MARTINEZ,)
)
 Plaintiff,)
)
 vs.)
)
)
 Ms. FNU HAYNES, et al.,)
)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on initial review of Plaintiff’s Complaint, filed under 42 U.S.C. § 1983, (Doc. No. 1), and on Plaintiff’s In Forma Pauperis Application, (Doc. No. 2). See 28 U.S.C. §§ 1915(e), 1915A(a).

The Court first finds that Plaintiff’s inmate trust account indicates that he has \$560.33 in his account. (Doc. No. 2 at 6). Because Plaintiff has sufficient funds to pay the filing fee, Plaintiff’s in forma pauperis application will be denied. Plaintiff shall be required to pay the full filing fee before the Court proceeds with initial review.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff’s Motion to Proceed in Forma Pauperis, (Doc. No. 2), is **DENIED**. Plaintiff shall forward to the Clerk’s office the full filing fee of \$400.00 within ten (10) days of service of this Order or this action will be dismissed without further notice.

Signed: November 4, 2014

A handwritten signature in cursive script, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

