

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:14CV137-RLV**

ALVIN LINEBERGER,)
 Plaintiff,)
))
 v.))
))
JEFFREY LOWE, et. al))
 Defendants.))
_____)

ORDER

THIS MATTER is before the Court upon the Plaintiff’s Amended Application To Proceed In District Court Without Prepaying Fees Or Costs, filed September 15, 2014.

By the instant Motion, the Plaintiff seeks to proceed on his Complaint against the Defendant to establish for himself pursuant to Title VII of the Civil Rights Act of 1964 as amended, pursuant to 42 U. S. C. § 1983 without having to prepay the costs associated with bringing this action.

On August 19, 2014, the Plaintiff filed an Application To Proceed in District Court Without Prepaying Fees Or Costs. The Court reviewed Plaintiff’s Application but could not rule on the Application without further information from the Plaintiff. Consequently, the Court instructed the Plaintiff to provide additional information to the Court supporting his allegations of indigence. Therefore, on September 15, 2014, the Plaintiff provided the Court with additional information in an amended Application To Proceed In District Court Without Prepaying Fees Or Costs.

The Court, after reviewing the amended Application and based upon the foregoing representations, the Court finds that the Plaintiff does not have sufficient

resources from which to pay the entire \$400 filing fee associated with bringing this action. However, it appears that the Plaintiff does have sufficient resources from which to pay a partial filing fee of \$50. Accordingly, the Plaintiff will be directed to make such partial payment as below set forth.

NOW, THEREFORE, IT IS ORDERED:

1. That the Plaintiff's Application to Proceed Without Prepayment Of Fees And Affidavit is **GRANTED in part and DENIED in part.**
2. That within thirty (30) days of the date of this Order, the Plaintiff shall remit a partial filing fee in the amount of \$50.00. **Failure to comply with the instant directive could result in the summary dismissal of the Plaintiff's case.**
3. That the Clerk of Court is instructed to prepare process and deliver the same to the U.S. Marshal for service; and
4. The U.S. Marshal shall serve process upon the Defendant at the expense of the United States Government.
5. The Clerk's Office send a copy of this order to the Defendant.

Signed: September 24, 2014



Richard L. Voorhees
United States District Judge



SEALED DOCUMENT with access to Specified Parties/Defendants.

