

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BOBBY L. TACKETT,

Plaintiff,

vs.

Civil Action 2:12-cv-1134
Judge Watson
Magistrate Judge King

BANK OF AMERICA, NA,

Defendant.

REPORT AND RECOMMENDATION

Plaintiff asks for leave to proceed in this civil action without prepayment of fees or costs. Doc. No. 1. In his application for leave to proceed *in forma pauperis*, however, plaintiff claims a yearly disability income in excess of \$45,000.00 and monthly expenses of less than \$2300.00. Under these circumstances, the Court concludes that plaintiff is financially able to pay the \$350.00 filing fee.

It is therefore **RECOMMENDED** that plaintiff's application for leave to proceed *in forma pauperis*, Doc. No. 1, be **DENIED**.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge

December 10, 2012
Date