

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

WILLIAM J. HOWELL, SR.

Plaintiff,

v.

**Civil Action 2:17-cv-409
Judge Algenon L. Marbley
Magistrate Judge Jolson**

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

REPORT AND RECOMMENDATION

On May 12, 2017, Plaintiff filed a motion for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a). (Doc. 1). As previously explained (*See* Doc. 2), in *Adkins v. E.I. DuPont de Nemours & Co., Inc.*, 335 U.S. 331 (1948), the Supreme Court set forth the legal standard applicable to a motion to proceed *in forma pauperis*. An affidavit of poverty is sufficient if it reflects that the plaintiff cannot pay the Court's filing fee without depriving himself and his dependents the "necessities of life." *Id.* at 339 (internal quotation marks omitted). Upon review of Plaintiff's motion for leave to proceed *in forma pauperis*, the Court noted he had filed a short-form application, and thus could not determine whether a one-time payment of the Court's filing fee would render Plaintiff unable to provide for himself and his dependents. (*See* Doc. 2). Consequently, on May 15, 2017, the Court ordered Plaintiff to complete the long-form application within ten days. (*Id.*).

Ten days have passed and Plaintiff has failed to submit a long-form application in accordance with the Court's May 15, 2017 Order. Accordingly, it is RECOMMENDED that Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1) be denied. Further, it is

RECOMMENDED that Plaintiff be given ten (10) days from the date of adoption of this Report and Recommendation to pay the appropriate filing fee.

Procedure on Objections

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver 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); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: May 26, 2017

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE