

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FREDERICK BANKS,

Plaintiff,

v.

Civil Action 2:17-cv-628

Chief Judge Edmund A. Sargus, Jr.

Magistrate Judge Chelsey M. Vascura

TWENTY TO FORTY UNKNOWN
NAMED AGENTS OF THE FEDERAL
BUREAU OF INVESTIGATION
PITTSBURGH FIELD OFFICE, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff, Frederick Banks, a state inmate proceeding without the assistance of counsel, has filed an Application to Proceed *In Forma Pauperis*. (ECF No. 1.) Although Plaintiff's application is not accompanied by the required certified trust fund statement from his prison's cashier, his Affidavit reflects that that he may have sufficient funds in checking or savings account to cover the Court's \$400 filing fee. More specifically, his affidavit reflects that he has \$700.00 in his account. The undersigned therefore **RECOMMENDS** that Plaintiff's Application to Proceed *In Forma Pauperis* be **DENIED** and that he be **GRANTED THIRTY DAYS** to either pay the Court's filing fee or submit the proper documentation.

Plaintiff is advised that if he opts to proceed with this litigation, which appears to have no connection to the Southern District of Ohio, his action may be subject to dismissal as frivolous under 28 U.S.C. § 1915(e)(2). This Court is aware that Plaintiff has been declared a vexatious litigant, who "has been warned on multiple occasions that his filing of meritless, duplicative

motions, and initiation of frivolous, duplicative, defective and meritless lawsuits, will not be tolerated.” *Banks v. Pope Francis*, No. 15-1385, 2015 WL 8207532, at *3–4 (W.D. Pa. Dec. 8, 2015) (noting that the Court attempted to quantify the number of cases filed by Mr. Banks but “stopped counting at seventy-five,” although there were “considerably more filings than that”).

Nevertheless, for the reasons stated, it is **RECOMMENDED** that Plaintiff’s Application to Proceed *In Forma Pauperis* be **DENIED** (ECF No. 1) and that he be **GRANTED THIRTY DAYS** to either pay the Court’s \$400.00 filing fee or submit the proper documentation. Plaintiff is further advised that should the Court adopt this Report and Recommendation, his failure to timely comply will result in dismissal for failure to prosecute.

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).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE