

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ARTURO GALVAN,

Plaintiff,

v.

Civil Action 2:17-cv-1053

Judge George C. Smith

Magistrate Judge Chelsey M. Vascura

FRANKLIN COUNTY SHERIFF
DEPARTMENT, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff, a state inmate who is proceeding without counsel, filed an Application to Proceed *in Forma Pauperis* on January 22, 2018. (ECF No. 3.) Because Plaintiff failed to include the required certified copy of his prison trust fund account statement, the Court issued a Second Notice of Deficiency, instructing Plaintiff to submit the requisite documents or pay the \$400 filing fee by February 25, 2018. (ECF No. 4.) Plaintiff submitted a second Motion for Leave to Proceed *In Forma Pauperis* on February 26, 2018. (ECF No. 5.) Although Plaintiff's Application is not accompanied by the required statement of account showing the past six months of transactions, it did include a certificate from the prisoner cashier indicating that Plaintiff had a balance of \$3,288.48 in his account as of February 11, 2018. (ECF No. 5, PAGEID # 27.) Because Plaintiff possesses enough money to pay the filing fee in full, it is **RECOMMENDED** that Plaintiff's Applications to Proceed *In Forma Pauperis* be **DENIED** and that he be **GRANTED THIRTY DAYS** to pay the Court's filing fee or submit additional documentation showing that he is unable to pay the fee.

For the reasons stated, it is **RECOMMENDED** that Plaintiff's Applications to Proceed *In Forma Pauperis* be **DENIED** (ECF Nos. 3 & 5) 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).

IT IS SO ORDERED.

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