

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

RAY SCOTT HEID *et al.*,

Plaintiffs,

v.

GARY MOHR, *et al.*,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

Case No. 2:18-CV-00311

JUDGE ALGENON L. MARBLEY

Magistrate Judge Deavers

ORDER

This matter comes before the Court on the Magistrate Judge's April 16, 2018 Report and Recommendation (ECF No. 6), which recommends that Plaintiff James E. Damron's Motion for Leave to Proceed in forma pauperis (ECF No. 3) be denied and that he pay required to pay the \$400 filing fee. Plaintiff Damron objected to the Report and Recommendation on April 27, 2018, arguing "one cannot subtract the filing fee of \$400.00 from Plaintiff's access to \$245.54," which is Plaintiff Damron's average monthly deposit. (ECF No. 8 at ¶ 8).

Given that Plaintiff Damron is one of two named plaintiffs in this action, however, he is only required to pay \$200, or one-half of the required \$400 filing fee. To the extent the Report and Recommendation requires Plaintiff Damron to pay \$400, it is therefore **OVERRULED**. The Court **ADOPTS**, however, the Report and Recommendation in so far as it denies Plaintiff Damron in forma pauperis status. Plaintiff Damron's financial affidavit shows that he can pay the necessary \$200, as his average monthly deposit is \$245.54 and his total deposits from October 10, 2017 to April 10, 2018 exceed \$1400. Thus, Plaintiff Damron's Motion for Leave to Proceed in forma pauperis (ECF No. 3) is hereby **DENIED**. Plaintiff Damron is hereby

ORDERED to pay the required **\$200** filing fee within **TWENTY-ONE (21) DAYS** if he intends to proceed.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: May 4, 2018