

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GREG GIVENS,

Plaintiff, :

v.

**Case No. 2:22-cv-04268
Judge Sarah D. Morrison
Magistrate Judge Chelsey M.
Vascura**

**SHADYSIDE POLICE
DEPARTMENT, et al., :**

Defendants.

ORDER

On April 26, 2023, the Magistrate Judge issued a Report and Recommendation recommending that Plaintiff Greg Givens’s first, second, and third motions to proceed *in forma pauperis* (ECF Nos. 1, 3, 8) be denied. (R&R, ECF No. 10.) The R&R inadvertently omitted the deadline for filing objections, so the Magistrate Judge issued an order on May 19, 2023, setting forth the procedure and advising Mr. Givens that he had 14 days from the date of the May 19 order to file and serve any written objections. (ECF No. 12.) Mr. Givens timely filed an Objection. (ECF No. 13.)

If a party objects within the allotted time to a report and recommendation, the Court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

In his Objection, Mr. Givens states that prior courts have allowed him to proceed *in forma pauperis* and his “circumstances have not changed.” (ECF No. 13.) He provides no case names or numbers. (*Id.*)

The Court has reviewed the record and analyzed the Magistrate Judge’s R&R, and finds the R&R well-reasoned. The Magistrate Judge gave Mr. Givens three separate opportunities to answer straightforward questions about how much money he received from sources during the preceding twelve months, but his answers conflicted with one another and other court filings, and evolved. (R&R, PageID 114–15.) Mr. Givens’s Objection fails to explain these contradictions and inconsistencies and is **OVERRULED**. (ECF No. 13.)

The Report and Recommendation is **ADOPTED** and **AFFIRMED**. (ECF No. 10.) For the reasons set forth in it, the motions to proceed *in forma pauperis* (ECF Nos. 1, 3, 8) are **DENIED**. Mr. Givens is **ORDERED** to pay the \$402 filing fees (\$350 filing fee plus \$52 administrative fee) **within thirty days** to proceed. The Court **ADVISES** Mr. Givens that if he does not pay the filing fees in full within thirty days, his case will be dismissed for want of prosecution. The Court further **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE