

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROSETTA BELL,	:	Case No. 3:11-cv-82
	:	
Plaintiffs,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
SELECT THERAPIES, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER DENYING PLAINTIFF’S MOTION
TO PROCEED IN FORMA PAUPERIS (DOC. 1)**

This case is before the Court on Plaintiff’s Motion to Proceed In Forma Pauperis. (Doc. 1). In support of her Motion, Plaintiff presents an affidavit stating that she has been unemployed since September 2010, at which time she was making \$5,438.40 per month. Plaintiff further states that she is presently married, that her husband is currently employed earning \$4,000 per month, that she presently possesses \$8,200 in cash and/or in an account, and that has monthly liabilities in the amount of \$1,950.95.¹ Further, Plaintiff’s affidavit is incomplete because she fails to answer whether she owns “any real estate, stocks, bonds, notes, automobiles, or any other valuable property.”

Pursuant to 28 U.S.C. § 1914(a), “[t]he clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court . . . to pay a filing fee of \$350.” However, “[t]o ensure access to the courts,” indigent persons may “avoid payment of filing fees by filing an in forma pauperis affidavit.” *Johnson v. Cargill, Inc.*, No. 08-2052-B/V, 2008 WL 501341, at *1 (W.D. Tenn. Feb. 21, 2008); 28 U.S.C.

¹ Notably, Plaintiff’s affidavit states that she has dependents, but fails to set forth any amount contributed to their support.

1915(a). Upon the filing of an application to proceed in forma pauperis, “the Court must conduct a satisfactory inquiry into the plaintiff’s ability to pay the filing fee and prosecute the lawsuit.” *Id.*

Here, while Plaintiff need not show that she is penniless to proceed in forma pauperis, Plaintiff fails to show that paying the required fee(s) would amount to a serious financial hardship. Thus, Plaintiff fails satisfy her burden of demonstrating an inability to pay. Accordingly, Plaintiff’s Motion to Proceed In Forma Pauperis (Doc. 1) is **DENIED**, without prejudice. If Plaintiff feels additional information not elicited in the form affidavit would further support her application, she may file another application.

Otherwise, Plaintiff is **ORDERED** to pay the required civil filing fee(s) within 30 days from the date of this Order. Failure to timely pay the required fees may result in the dismissal of this case pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED.

Date: March 18, 2011

s/ Timothy S. Black
Timothy S. Black
United States District Judge