

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Gloria A. Bunch and family,

Plaintiff(s),

v.

Muskogee Housing Authority, et al.,

Defendant(s).

Case No. 13-CIV-212-RAW

ORDER

Before the court is Plaintiff's Motion for Reconsideration [Docket No. 5]. Plaintiff filed a Motion for Leave to Proceed in Forma Pauperis and Motion for Appointment of counsel [Docket Nos. 2 and 3]. The court denied the application for appointment of counsel and granted in part the motion for IFP [Docket No. 4]. Plaintiff asks the court to reconsider both requests.

Plaintiff is proceeding *pro se* in this matter. Thus, the court construes liberally the pleadings of the litigant. Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991).

Motion for IFP

The court "has discretion in deciding whether or not to grant a civil litigant permission to proceed IFP." Brewer v. City of Overland Park Police Dept., 24 Fed.Appx. 977, 979 (10th Cir. 2002) (citing 28 U.S.C. § 1915(a)).

General factors that can be considered when deciding whether to grant IFP status include: whether the complaint is frivolous or malicious; whether the case concerns a prisoner, with special concern placed on prisoner complaints; and the nature of the mandatory and discretionary

demands on the applicant's financial resources.

Id. (citations omitted). This court considered the foregoing factors in deciding whether to grant Plaintiff's motion to proceed IFP. The court has also considered Plaintiff's discretionary expenses. ("that where discretionary income is sufficient to pay the filing fee even in a case where total expenses exceed total income, denial of an *in forma pauperis* motion is appropriate." Scherer v. Merck & Co., 2006 WL 2524149 (D.Kan. Aug. 24, 2006)).

Plaintiff's motion for reconsideration states various expenses not previously provided to the court, such as monthly rental for storage facilities for her furniture and costs to move items from one storage facility to another. The court again finds that Plaintiff has discretionary income with which to pay the filing fee in this matter in monthly installments. Plaintiff's motion to reconsider regarding IFP is denied.

The court again cautions Plaintiff that failure to pay the filing fee as directed could result in this matter being dismissed pursuant to the Federal Rules of Civil Procedure.

Application for Appointment of Counsel

Plaintiff requests the court reconsider her application for appointment of counsel, stating that she has contacted "an entire two pages of attorneys given to me by OK Disability Law Center." For the same reasons as stated in the court's order dated May 20, 2013, Plaintiff's motion to reconsider regarding appointment of counsel is denied.

Conclusion

Plaintiff's Motion for Reconsideration [Docket No. 5] is denied.

Dated this 19th day of June, 2013.

Dated this 19th day of June, 2013.

A handwritten signature in cursive script that reads "Ronald A. White". The signature is written in black ink and is positioned above a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma