

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

JIMMY DON STEVENS,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-14-636-F
)	
SALVATION ARMY ARC, et al.,)	
)	
Defendants.)	

ORDER

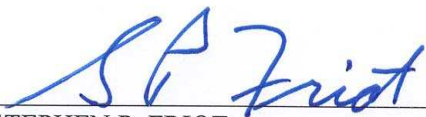
On June 20, 2014, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation, wherein he recommended that plaintiff's application for leave to proceed in forma pauperis be denied and that plaintiff be ordered to prepay in full the \$400.00 filing fee. Magistrate Judge Erwin further recommended that this action be dismissed without prejudice to refiling unless plaintiff pays the \$400.00 filing fee within 20 days of any order adopting the Report and Recommendation.

Presently before the court is plaintiff's timely objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of the matter. Having done so, the court concurs with Magistrate Judge Erwin. The record reflects that plaintiff has \$766.79 in his institutional accounts which is available to pay the filing fee. Although plaintiff states that magistrate judges in the Western District of Arkansas have granted him leave to proceed in forma pauperis, there is no showing that the magistrate judges had the same information before them in adjudicating the in forma pauperis applications as this court has before it. This court must adjudicate plaintiff's application based upon the information before it and this information indicates that plaintiff has the ability to pay

the full \$400 filing fee. The court therefore accepts, adopts and affirms the Report and Recommendation issued by Magistrate Judge Erwin in its entirety.

Accordingly, the Report and Recommendation (doc. no. 6) issued by United States Magistrate Judge Shon T. Erwin on June 20, 2014 is **ACCEPTED, ADOPTED** and **AFFIRMED**. Plaintiff's Application for Leave to Proceed in Forma Pauperis (doc. no. 3) filed June 18, 2014 is **DENIED**. Plaintiff is **ORDERED** to pay the full \$400 filing fee within 20 days of the date of this order. If plaintiff fails to pay the \$400 filing fee within 20 days of the date of this order, the above-entitled action shall be dismissed without prejudice.

DATED July 3, 2014.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE