

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JEAN L. JOHNSON,

Plaintiff,

v.

DEPARTMENT OF COMMERCE,

Defendant.

§
§
§
§
§
§
§
§
§

Civil Action No. **3:19-CV-611-L**

ORDER

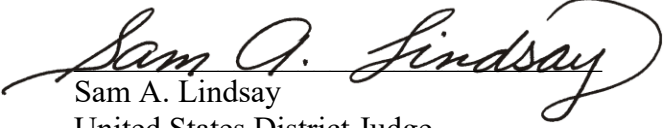
On February 21, 2020, United States Magistrate Judge Renée Toliver entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 45), recommending that the court deny Plaintiff Jean L. Johnson’s (“Plaintiff”) Applications to Proceed in District Court Without Prepaying Fees of Costs (“IFP Applications”) (Docs. 21 & 44). Specifically, Magistrate Judge Toliver determined that based on Plaintiff and her husband’s “income, cash on hand, and high discretionary spending,” Plaintiff will not suffer undue financial hardship after payment of the \$400 filing fee. Report 3. She further determined that permitting Plaintiff to pay a reduced fee or an installment payment would not be appropriate in light of the money she and her husband have on hand; and that future potential changes to their income does not impact her current ability to pay the filing fee. For these reasons, Magistrate Judge Toliver recommends that the court deny Plaintiff’s IFP Applications and dismiss without prejudice this action unless Plaintiff pays the filing fee within 14 days from the filing of the Report.

On March 5, 2020, Plaintiff filed her Objections (Doc. 46) but made no specific objections to any portion of the Report. Instead, she reiterates: “I am not able to pay \$400 as requested by the court. I have submitted my household financial obligations, but the court still insist[sic] I can

pay.” Pl.’s Obj. 1. She further asserts that if she could pay, should would have hired an attorney to assist with her case. The court finds her assertions unpersuasive.

Based on the financial information submitted by Plaintiff, the court determines, in agreement with the Magistrate Judge, that Plaintiff will not face a financial hardship by paying the \$400 filing fee. The court further determines that Plaintiff has failed to demonstrate that her financial position warrants a reduced fee or installment plan. Thus, after reviewing the IFP Applications, record in this action, the Report, and conducted a de novo review of the portions of the Report to which objections were made, the court agrees with the findings and conclusions of the Magistrate Judge and **accepts** them as those of the court. Accordingly, the court **denies** Plaintiff’s IFP Applications (Docs. 21 & 44). As Plaintiff has not paid the required \$400 filing fee as ordered by the Magistrate Judge, the court **dismisses without prejudice** this action under Federal Rule of Civil Procedure 41(b).

It is so ordered this 22nd day of May, 2020.


Sam A. Lindsay
United States District Judge