

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**RYAN WICKERHAM**

**V.**

**BAY VIEW LOAN SERVICING, ET AL**

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**A-14-CV-1033-LY**

**ORDER**

Before the Court is Ryan Wickerham's Application to Proceed *In Forma Pauperis* and Financial Affidavit in Support (Dkt. No. 1). The District Court referred the motion to the undersigned Magistrate Judge for a determination on the merits pursuant to a standing order of the Court and 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C to the Local Rules of the United States District Court for the Western District of Texas.

There is no absolute right to proceed in federal court without paying a filing fee in civil matters. *Startti v. United States*, 415 F.2d 1115, 1116 (5th Cir. 1969). "[R]ather, it is a privilege extended to those unable to pay filing fees when the action is not frivolous or malicious." *Id.* After carefully reviewing Wickerham's financial affidavit, the Court finds that he has sufficient resources to pay the requisite \$400.00 filing fee if he so chooses. Accordingly, the Court **HEREBY DENIES** Wickerham's Application to Proceed *In Forma Pauperis* (Dkt. No. 1) and **ORDERS** him to submit to the Clerk of the Court the \$400.00 filing fee in this cause on or before **December 8, 2014**. If Wickerham does not pay the filing fee by December 8, 2014, the Court will recommend that the District Court dismiss his case for failure to prosecute.

SIGNED this 1<sup>st</sup> day of December, 2014.



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ANDREW W. AUSTIN  
UNITED STATES MAGISTRATE JUDGE