

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CRAIG LEXVOLD,

Plaintiff,

v.

**INTOWN SUITES and
MARK McFEE,**

Defendants.

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CIVIL ACTION NO.

SA-06-CA-0673 XR

ORDER DENYING IN FORMA PAUPERIS

The matter before the Court is plaintiff's application to proceed in forma pauperis. In his complaint plaintiff alleges his former employer and supervisor unlawfully discriminated against him, eventually terminating him in February of 2006.

In his application to proceed in forma pauperis plaintiff states that he is presently employed and has been since May 2006 after three months of unemployment. He receives monthly wages of \$3000. He lists various expenses, most of which appear to be consumer related debt. Rent, transportation, utilities, food and expenses for his infant total about \$2000 monthly. While plaintiff need not establish that he is totally destitute before he may be granted leave to proceed in forma pauperis, this plaintiff has the resources to pay the \$350.00 filing fee to initiate this action.

It is therefore **ORDERED** that:

1. Plaintiff's application for leave to proceed in forma pauperis is **DENIED**.
2. On or before 30 days from date of this Order, plaintiff shall pay the \$350.00 filing fee in this cause.
3. In the event plaintiff wishes to appeal from my denial of the application for leave to

proceed in forma pauperis, he must file her appeal to the District Court from this Order within 10 days of the date of this Order.

4. Plaintiff is advised that in the event that he fails to either pay the \$350.00 filing fee or file an appeal from this Order within the time frames set forth above, the District Court will issue an Order dismissing this cause without prejudice.

SIGNED on August 9, 2006.



**NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE**