

flow of \$1150. While plaintiff need not establish that he is totally destitute before leave to proceed *in forma pauperis* may be granted, this plaintiff has not demonstrated that he is without resources to pay the \$350 filing fee to initiate this action.

It is therefore **ORDERED** that:

1. The Order conditionally granting Plaintiff's application for leave to proceed *in forma pauperis* is **VACATED**.

2. Plaintiff's application for leave to proceed *in forma pauperis* is **DENIED**.

3. On or before 30 days from date of this Order, plaintiff shall pay the \$350 filing fee in this cause.

4. In the event plaintiff wishes to appeal from my denial of the application for leave to proceed *in forma pauperis*, he must file an appeal to the District Court from this Order within 10 days of the date of this Order.

5. 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 November 3, 2006.

/S/

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE