

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SHARON BRIDGEWATER, :
: :
Plaintiff, : : CIVIL ACTION FILE NO.
v. : : 1:10-CV-01082-ODE-AJB
: :
DEKALB COUNTY *by and through* :
Vernon Jones, Chief, et al., :
: :
Defendants. : :

O R D E R

Plaintiff currently seeks to proceed *in forma pauperis* (“IFP”) in a 42 U.S.C. § 1983 civil action against a number of Defendants, including DeKalb County, N.T. Martinelli, C. Schreiner, Detective George, and Lieutenant Hamilton. [Doc. 1]. After reviewing Plaintiff’s affidavit in support of her request to proceed *in forma pauperis*, the Court finds that it needs more information in order to make an informed decision as to Plaintiff’s financial status.

The Court “may authorize the commencement . . . of any suit, action, or proceeding . . . without payment of fees and costs or security therefor, by a person who

submits an affidavit that includes a statement of all assets such prisoner^[1] possesses that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a). This section is intended to provide indigent litigants with meaningful access to courts. *Adkins v. E.I. duPont de Nemours & Co.*, 335 U.S. 331, 342-43 (1948); *Neitzke v. Williams*, 490 U.S. 319, 324 (1988); *see also Attwood v. Singletary*, 105 F.3d 610, 612 (11th Cir. 1997) (Section 1915 is designed to ensure “that indigent persons will have equal access to the judicial system.”).

Thus, § 1915 authorizes suits without the prepayment of fees and costs for indigent litigants. *Denton v. Hernandez*, 504 U.S. 25, 27 (1992). It bears emphasizing that § 1915 creates no absolute right to proceed in civil actions without payment of costs. Instead, the statute conveys only a privilege to proceed to those litigants unable to pay costs without undue hardship. *Startti v. United States*, 415 F.2d 1115 (5th Cir. 1969).² Moreover, while the privilege of proceeding *in forma pauperis* does not require a litigant to demonstrate absolute destitution, it is also clear that “something more than

¹ Although Congress used the word “prisoner” here, Section 1915 applies to non-prisoner indigent litigants as well as prisoners. *Martinez v. Kristi Cleaners, Inc.*, 364 F.3d 1305, 1306 n.1 (11th Cir. 2004).

² In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (*en banc*), the Eleventh Circuit adopted as binding precedent all of the decisions of the former Fifth Circuit rendered prior to the close of business on September 30, 1981.

mere statement and an affidavit that a man is ‘poor’ should be required before a claimant is allowed to proceed *in forma pauperis.*” *Levy v. Federated Dept. Stores*, 607 F. Supp. 32, 35 (S.D. Fla. 1984); *Evensky v. Wright*, 45 F.R.D. 506, 507-08 (N.D. Miss. 1968). The affidavit required by the statute must show an inability to prepay fees and costs without foregoing the basic necessities of life. *Adkins*, 335 U.S. at 339; *Zuan v. Dobbin*, 628 F.2d 990, 992 (7th Cir. 1980).

Plaintiff’s application to proceed *in forma pauperis* (“IFP”) is inadequate because Plaintiff’s application omits information necessary for the Court to evaluate her financial status. First, Plaintiff has stated that she is currently a student and receives student loan payments, but Plaintiff has not identified the amount that she receives in student loans. Second, Plaintiff’s complaint states that she “founded, started Speciality Global Investments INC.” (See Complaint in Doc. 1). Plaintiff has not listed any information about Specialty Global Investments, Inc., in her IFP application such as income or other revenue received from this corporation. Without this information, the Court does not have a complete understanding of Plaintiff’s financial situation. As a result, the Court cannot determine whether Plaintiff has the ability to prepay fees and costs associated with initiating her civil action.

IT IS THEREFORE ORDERED that Plaintiff provide the Court with information about her student loans and her income/revenue from Specialty Global Investments, Inc. Plaintiff may provide this information in response to Question 12 of the Application to Proceed in District Court without Prepaying Fees or Costs (**Long Form**) or as an attachment to the IFP application. Plaintiff **SHALL** re-submit her revised application within **thirty (30) days** of entry of this Order. Plaintiff is **ADVISED** that no further action shall be taken on her complaint until she complies with the terms of this Order, and that failure to comply with this Order, or in the alternative, the payment of the filing fee, shall result in the dismissal of this action.

The Clerk is **DIRECTED** (1) to mail Plaintiff a blank Application to Proceed in District Court without Prepaying Fees or Costs (Long Form) and (2) to resubmit this action to the undersigned in **thirty five (35)** days if Plaintiff does not comply with this Order.

IT IS SO ORDERED AND DIRECTED, this 16th day of April, 2010.



ALAN J. BAVERMAN
UNITED STATES MAGISTRATE JUDGE