

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LISA ELOISE CLARK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-2559-JWL
)	
VF JEAN WEAR LIMITED,)	
)	
Defendant.)	

ORDER

This matter is before the court on plaintiff Lisa Eloise Clark's application for leave to proceed in this case without payment of fees or security (**doc. 2**).

Section 1915 of Title 28, United States Code allows the court to authorize the commencement of a civil action "without prepayment of fees or security therefor, by a person who submits an affidavit that . . . the person is unable to pay such fees or give security therefor." "Proceeding *in forma pauperis* in a civil case 'is a privilege, not a right—fundamental or otherwise.'" ¹ "The decision to grant or deny *in forma pauperis* status under section 1915 lies within the sound discretion of the trial court." ²

In the financial affidavit, plaintiff states that she has received financial gifts from her

¹ *Barnett ex rel. Barnett v. Northwest School*, No. 00-2499, 2000 WL 1909625, at *1 (D. Kan. Dec. 26, 2000) (quoting *White v. Colorado*, 157 F.3d 1226, 1233 (10th Cir. 1998)).

² *Id.* (citing *Cabrera v. Horgas*, No. 98-4231, 1999 WL 241783, at *1 (10th Cir. April 23, 1999) (citations omitted)).

adult children within the past twelve months, but fails to list the amounts of these gifts. She also states that she was previously employed by Lee Apparel for two years, with a net income of \$1,000.00 per month and that she collects unemployment benefits, but she shows no cash on hand. The section of the affidavit asking for the names and addresses of any banks and associations where she has accounts is blank. The court finds that the affidavit is incomplete and orders plaintiff to either provide a supplemental financial affidavit which includes the above-stated information, as well as any other matters which might be pertinent to the court in its determination of whether to allow plaintiff to proceed *in forma pauperis* in this case, or pay the filing fee no later than **January 5, 2007**. Following receipt of a supplemental financial affidavit, the court will consider plaintiff's application.

Copies of this order shall served upon all counsel of record and the *pro se* plaintiff.

IT IS SO ORDERED.

Dated this 22nd day of December, 2006, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge