

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

RICHARD J. THAYER,

Plaintiff,

v.

Case No. 06-4028-RDR

CITY OF HOLTON, BRAD MEARS,
and DAVID LANNING,

Defendants.

ORDER TO SUPPLEMENT FINANCIAL AFFIDAVIT

This matter comes before the court upon plaintiff's Application for Leave to File Action Without Payment of Fees, Costs, or Security (Doc. 2) and plaintiff's Application for Appointment of Counsel (Doc. 3).

28 U.S.C. § 1915 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."

Upon reviewing plaintiff's motions, the court finds several deficiencies in plaintiff's financial affidavits, without which the court is unable to conclude whether plaintiff's motions should be granted under the circumstances. Specifically, the court is unable to ascertain from plaintiff's financial affidavit the fair market value of plaintiff's real property.

The court is also unable to ascertain the frequency at which plaintiff has received distributions from his pension (i.e. whether the distribution are monthly, yearly, one-time, etc.). As a result,

IT IS THEREFORE ORDERED that on or before **March 27, 2006**, plaintiff shall file a supplement to his financial affidavit including specific information on the following:

- (1) Present fair market value of plaintiff's real property; and
- (2) Frequency of distribution of plaintiff's pension, including the total amount plaintiff has currently received.

Plaintiff's supplement shall be filed with the Clerk's Office and shall be filed under seal.

IT IS SO ORDERED.

Dated this 13th day of March, 2006, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge