

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**CHANDRA L. BUFFINGTON,**

**Plaintiff,**

**v.**

**UNIVERSITY OF KANSAS HOSPITAL,**

**Defendant.**

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**Case No. 11-2566-CM-JPO**

**MEMORANDUM AND ORDER**

On November 21, 2011, the court entered an order overruling plaintiff Chandra Buffington's objection to Magistrate Judge O'Hara's Report and Recommendation, denying her motion to proceed without payment of fees, and ordering her to pay the filing fee within 60 days. Later that day, plaintiff submitted an updated financial affidavit. This updated affidavit was due on November 14, 2011, and plaintiff has offered no explanation for her late filing. Court deadlines are important, and plaintiff cannot arbitrarily ignore them. Accordingly, the court will not consider her late-filed affidavit. *See Murray v. Tahlequah*, 312 F.3d 1196, 1200 n.3 (10th Cir. 2002) ("Murray's pro se status does not relieve him of the obligation to comply with procedural rules."). The court's November 21, 2011 order remains unaltered.

Even if the court considered her late-filed affidavit, it would not change the court's November 21, 2011 order. Specifically, the updated affidavit attests that plaintiff lost her job with the University of Kansas Medical Center. But plaintiff receives \$397.00 a week in unemployment, owns her house, has no dependents, and has moderate monthly expenses. Her monthly unemployment benefits exceed her monthly expenses by approximately \$300 a month. Accordingly, the court would still determine that plaintiff has the financial ability to pay the required filing fee. *See Lister v. Dep't of Treasury*,

408 F.3d 1309, 1312 (10th Cir. 2005) (explaining that to succeed on a motion to proceed without payment of fees, plaintiff must show “a financial inability to pay the required filing fees”).

**IT IS THEREFORE ORDERED** that the court’s November 21, 2011 order (Doc. 9) remains unaltered. Plaintiff is required to pay the filing fee within 60 days of the November 21, 2011 order. She may make this payment in two equal installments of \$175.00. Failure to make full payment by that date will result in dismissal of this action without prejudice to refile.

Dated at this 22nd day of November, 2011, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
United States District Judge