

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

ROBERT BARICKMAN,

Plaintiff,

v.

**Civil Action No. 1:07cv134
(Judge Keeley)**

**JIM BUMGARDNER,
PAROLE BOARD MEMBERS**

Defendants.

**OPINION/REPORT AND RECOMMENDATION
THAT MOTION TO PROCEED
IN FORMA PAUPERIS BE DENIED**

On September 28, 2007, the *pro se* plaintiff initiated this case by filing a civil rights action against the above-named defendants. The plaintiff also filed an Application for Leave to Proceed Without Prepayment of Fees, a certified copy of his inmate account statement, ledger sheets, and a Consent to Collection of Fees form.

The ledger sheets and certified copy of plaintiff's inmate account statement reveal that the plaintiff had an account balance of \$1,744.98 as of September 21, 2007. Consequently, the plaintiff had sufficient funds to pay the \$350.00 filing fee at the time this case was filed. In addition, the plaintiff's ledger sheets reflect that his average monthly deposits during the six months preceding the filing of this action were \$446.09. In light of the information disclosed by the submitted financial forms, it is the undersigned's recommendation that the plaintiff's Application for Leave to Proceed Without the Prepayment of Fees (Dckt. 2) be **DENIED** and the plaintiff be ordered to pay the full filing fee. The plaintiff should also be warned that the failure to pay the full filing fee

within the time allowed by the Court will result in the dismissal of his complaint.

The plaintiff may file, within ten (10) days after being served with a copy of this Recommendation, with the Clerk of the Court, written objections identifying the portions of the Recommendation to which objections are made, and the basis for such objections. A copy of such objections should also be submitted to the Honorable Irene M. Keeley, United States District Judge. Failure to timely file objections to the Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).

The Clerk of the Court is directed to mail a copy of this Opinion/Report and Recommendation to the *pro se* plaintiff by certified mail, return receipt requested, to his last known address as shown on his docket sheet.

DATED: October 3, 2007.

/s *John S. Kaull*
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE