

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MELBA A. TILMON)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-2383-JAR
)	
POLO RALPH LAUREN FACTORY STORE,)	
)	
Defendant.)	

ORDER

The pro se plaintiff, Melba A. Tilmon, has filed a motion (ECF No. 9) asking the undersigned U.S. Magistrate Judge, James P. O’Hara, to reconsider his recommendation to the presiding U.S. District Judge, Julie A. Robinson, that plaintiff’s motion to proceed with this action *in forma pauperis* (ECF No. 3) be denied (ECF No. 5). Plaintiff’s motion for reconsideration is denied.

Plaintiff’s motion for reconsideration sets forth information about her financial status that was not included in her verified affidavit of financial status (ECF No. 3-1). After considering this new information (and ignoring the fact that it is not verified, i.e., stated under penalty of perjury), the undersigned continues to recommend denial of plaintiff’s motion to proceed *in forma pauperis*.

First, plaintiff states she provides occasional financial assistance to her two adult children who live out of her house. The undersigned views such assistance as discretionary;

plaintiff may choose not to provide such assistance. Second, plaintiff states she has additional “credit obligations.” These obligations appear to stem largely from discretionary purchases, such as study-abroad trips and furniture. Regardless, plaintiff states she pays \$193 per month on these additional obligations. Adding this amount to her previously reported expenses, plaintiff’s total monthly expenses come to around \$1,330. Plaintiff has reported her net income is approximately \$1,950 a month. Thus, plaintiff’s net income exceeds her obligations by more than \$600. In addition, as discussed in the report and recommendation, plaintiff has cash on hand and value in two vehicles.

IT IS THEREFORE ORDERED that plaintiff’s motion for reconsideration is denied.

Dated July 20, 2017, at Kansas City, Kansas.

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