

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

THADDEUS TAYLOR :
 :
 v. : PRISONER
 : Case No. 3:04CV2071 (DJS)
 :
 JAMES DZURENDA, et al. :

RULING AND ORDER

By application to proceed in forma pauperis dated November 26, 2004, plaintiff moved to proceed in this action without prepayment of fees. Plaintiff did not submit the required inmate account statement with his application. Upon reviewing plaintiff's inmate account statement, the court noted that plaintiff had \$569.27 in his inmate account at the time he stated under penalty of perjury that he lacked sufficient funds to pay the \$150.00 filing fee and that plaintiff had received over \$2000.00 during the previous twelve months while stating, again under penalty of perjury, that he had received no funds from any sources. Thus, on February 25, 2005, the court denied plaintiff's application and directed him to tender the filing fee within thirty days.

Plaintiff has filed an objection to the court's order. He challenges that court's statement that his in forma pauperis

application was not truthful and states that the court failed to consider that he answered all questions as a lay person thought they should be answered.

With certain listed exceptions, a district judge may refer pretrial motions to a magistrate judge for determination. See 28 U.S.C. § 636(b)(1)(A). The district judge may reconsider these pretrial matters on motion by a party where the party shows that the magistrate judge's order is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). With regard to the listed motions, which include motions to dismiss and motions for preliminary injunctive relief, the magistrate judge may issue a recommended ruling, to which the parties may object within ten days. If a party objects, the district judge considers de novo the portion of the recommended ruling to which objection was made. Here, the plaintiff objects to the magistrate judge's ruling on his motion to proceed in forma pauperis. This motion is not within the exceptions for which a magistrate judge may issue only a recommended ruling.

Plaintiff stated that he lacked sufficient funds to pay the \$150.00 filing fee at a time when he had \$569.27. Plaintiff is not a novice litigant and is well-aware of the standards for proceeding in forma pauperis. Thus, the court is skeptical of his claim that he did not understand the meaning of the questions. However, the court concludes that even a lay person

would know that plaintiff's statement was false. Accordingly, the court concludes that the magistrate judge's ruling is not "clearly erroneous or contrary to law." 28 U.S.C. § 636(b) (1) (A) .

Plaintiff's objection [**doc. #14**] is **OVERRULED**. Because plaintiff has filed this frivolous objection instead of tendering the filing fee as directed, this case is **DISMISSED** without prejudice. Plaintiff shall tender the filing fee on or before **June 10, 2005**. If the filing fee is received within the time specified, the Clerk is directed to reopen this case. If plaintiff currently lacks sufficient funds to pay the filing fee, he may file another action accompanied by a truthful in forma pauperis application and current inmate account statement.

SO ORDERED this 19th day of May, 2005, at Hartford, Connecticut.

/s/DJS

Dominic J. Squatrito
United States District Judge