

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

AVERY CORPREW,
Plaintiff,

v.

UCONN HEALTH, et al.
Defendants.

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Case No. 3:17-cv-1831 (MPS)

RULING ON MOTION FOR RECONSIDERATION

The plaintiff moves the court for reconsideration of the ruling denying leave to proceed *in forma pauperis* in this civil rights action. For the reasons set forth below, the requested relief is denied.

Reconsideration will be granted only if the moving party can identify controlling decisions or data the court overlooked that would reasonably be expected to alter the court's decision. *See Oparah v. New York City Dep't of Educ.*, 670 F. App'x 25, 26 (2d Cir. 2016) (citing *Schrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995)). A motion for reconsideration may not be used to relitigate an issue the court already has decided. *See Schrader*, 70 F.3d at 257; *Waller v. City of Middletown*, 89 F. Supp. 3d 279, 282 (D. Conn. 2015).

The Court denied leave to proceed *in forma pauperis* because the plaintiff had sufficient funds in his inmate account to pay the filing fee. ECF No. 6. The plaintiff now states that he has no job and his funds come from the generosity of friends and family. The source of funds does not alter the fact that the plaintiff had sufficient funds to pay the filing fee. The documents

submitted in support of the motion showed that the plaintiff had \$613.53. *Id.* at 2. Paying the filing fee would not leave him without any funds. The fact that he might prefer to spend the funds on something else does not relieve him of the obligation to pay the filing fee.

The plaintiff's motion for reconsideration [ECF No. 8] is **DENIED**. The plaintiff shall tender the filing fee within twenty days from the date of this order. Failure to do so will result in the dismissal of this case.

It is so ordered.

Signed this 22nd day of January 2018 at Hartford, Connecticut.

_____/s/_____
Michael P. Shea
United States District Judge