

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CHRIS-ANTONIO: POW,

Plaintiff,

v.

Case No.: 8:23-cv-02397-MSS-NHA

I6 PROPERTY FLORIDA LP,

Defendant.

ORDER

Plaintiff, Mr. Pow, who is not represented by a lawyer, seeks to bring this lawsuit without a pre-paying the filing fee. Doc. 2. If the Court finds that a plaintiff cannot afford it, the Court may authorize a plaintiff to bring a lawsuit without pre-paying the filing fee. 28 U.S.C. § 1915.¹

To show he could not afford the fee, Mr. Pow filed an “Affidavit of Indigency” (AO Form 239) (Doc. 2) with his Complaint (Doc. 1). However, he listed “no” or “N/A” in response to most of the questions. Doc. 2. Nevertheless, he indicated he was employed and maintained two homes. Doc. 2, p. 5.

On October 27, 2023, the Court ordered Mr. Pow to fill out the Affidavit

¹ The Court notes that Mr. Pow has until January 24, 2024 (Doc. 11) to fix the problems identified in his complaint (*see* Doc. 4, p. 4). So, at this time the Court does not address whether his complaint states a claim that would allow him to proceed without paying the filing fee, even if he shows he cannot afford to pay the fee.

of Indigency form more completely (Doc. 4). Rather than fill out an additional Affidavit of Indigency form, Mr. Pow filed with the Court a letter providing some additional context for his financial circumstances, including that his business is temporarily out of service but will resume next month, that he is disabled following an accident, and that he was wrongfully evicted from his principal residence and is living with his adult child. Doc. 10. While the Court will consider Mr. Pow's letter, the Court needs Mr. Pow to provide the additional information requested in the "Affidavit of Indigency" (AO Form 239).

Accordingly, it is **ORDERED**:

(1) On or before February 9, 2024, Mr. Pow shall file with the Court a new "Affidavit of Indigency" (AO Form 239). A blank copy of the form is attached to this Order as **Exhibit 1**.

(2) Mr. Pow shall completely and accurately fill out the form, as follows:

(a) Question 1. In listing his average income over the last year, Mr. Pow must list the income that his wife has made from any source, including Door Dash, and any income he has made from any source, including his car carrier business. Mr. Pow should also indicate how much income he expects to make next month when he re-starts his business, and how much income his wife expects to make next month. Mr. Pow mentioned in his letter that he is

disabled; he should also include in his answer to this question any income he receives from social security benefits or other public assistance.

(b) Question 2. Mr. Pow must list all his employment from 2022 to now, along with his average monthly income while he was working at each job.

(c) Question 3. Mr. Pow must list all his wife's employment from 2022 to now (including Door Dash), along with her average monthly income while she was working at each job.

(d) Question 4. Mr. Pow must list all cash and bank accounts owned by him and/or his wife, along with the amount of money in each account.

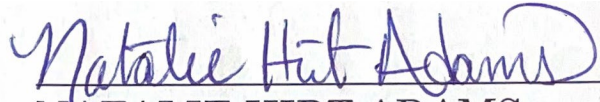
(e) Question 5. Mr. Pow must list any homes or vehicles owned by him or his wife.

(f) Question 8. Mr. Pow must list the monthly expenses for his family (himself, his wife, and his children) in each of these categories.

(g) Question 9. Mr. Pow must indicate if the business he mentions in his letter will change his financial situation.

(3) The Clerk is **DIRECTED** to mail a copy of this Order and its Exhibit to Mr. Pow.

ORDERED in Tampa, Florida, on January 17, 2024.


NATALIE HIRT ADAMS
United States Magistrate Judge