

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

IN RE:) CHAPTER 13
) CASE NO. 05-11318-JDW
OTHA BRADFORD WATERS,)
)
DEBTOR)

BEFORE

JAMES D. WALKER, JR.

UNITED STATES BANKRUPTCY JUDGE

COUNSEL

For Debtor: Charles R. Hunt
112 East Lee Street
Dawson, GA 39842

For Heritagebank of
the South: Edgar W. Duskin
P. O. Drawer 71727
Albany, GA 31708-1727

MEMORANDUM OPINION

This matter comes before the Court on request of Debtor to proceed *in forma pauperis* in an appeal of this Court's order entered October 21, 2005, dismissing this case in response to the motion of Heritagebank of the South. The order was entered following a hearing on October 17, 2005.

Debtor's motion for authority to proceed *in forma pauperis* contains no financial information from which the Court might make a determination of need. Furthermore, a review of the hearing indicates that

Thus it appears that Debtor has not provided any basis for concluding that he cannot afford to pay the costs of the appeal and, further, there appears to be no issue of law made known to this Court from which the District Court might conclude that the order dismissing the case should be reversed. Certainly there remains the possibility that an issue of law might be raised on appeal for the first time in the District Court. It would, however, seem improper for this Court to base its approval of the motion on such speculative assumption.

Accordingly, the Court will enter an order denying the motion to proceed *in forma pauperis*.

Dated this ____ day of November, 2005.

James D. Walker, Jr.
United States Bankruptcy Judge

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ORDER

In accordance with the Memorandum Opinion entered on this date, it is hereby ORDERED that the motion to proceed *in forma pauperis* in his appeal is DENIED.

So ORDERED, this _____ day of November, 2005.

James D. Walker, Jr.
United States Bankruptcy Judge