

SUPREME COURT OF ARKANSAS

No. CV-16-947

JAMES A. HALL

APPELLANT

V.

JOHNNIE BOLIN

APPELLEE

Opinion Delivered October 27, 2016

PRO SE PETITION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS

PETITION DENIED.

PER CURIAM

On October 25, 2016, appellant James A. Hall, pro se, tendered a partial record with our clerk and filed a petition for leave to proceed in forma pauperis in his appeal. He also submitted an affidavit in support of his request to proceed in forma pauperis. We deny the petition.

Arkansas Rule of Civil Procedure 72(c) (2016) conditions the right to proceed in forma pauperis in civil matters upon, among other things, the court's satisfaction that the alleged facts indicate a colorable cause of action. *See, e.g., Marshall v. Deutsche Bank Nat'l Trust Co.*, 2016 Ark. 90 (per curiam) (citing *Boles v. Huckabee*, 340 Ark. 410, 12 S.W.3d 201 (2000) (per curiam)). A colorable cause of action is a claim that is legitimate and may reasonably be asserted given the facts presented and the current law or a reasonable and logical extension or modification of it. *See id.* (citing *Brown v. Sachar*, 2013 Ark. 319 (per curiam)). Hall has not demonstrated such a claim here. We note that, where no fundamental right is



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involved, filing fees do not violate due process. *See id.* (citing *Stanley v. Coomer*, 2014 Ark. 338, 439 S.W.3d 54 (per curiam)); *Partin v. Bar of Ark.*, 320 Ark. 37, 894 S.W.2d 906 (1995)).

In his petition, Hall contends only that he is entitled to proceed in forma pauperis because he is unable to pay the costs associated with the proceeding and the action is not brought for a frivolous or malicious purpose. The statement does not constitute a showing of a colorable cause of action. *See, e.g., Brown*, 2013 Ark. 319. Based on this deficiency, we must deny Hall's petition.

Petition denied.