

FILED

AUG 09 2016

State of Minnesota

CARVER COUNTY COURTS

District Court

County of CARVER

Judicial District:	First
Court File Number:	10-PR-16-46
Case Type:	

Xavier A. Powell
 Plaintiff/Petitioner

vs.

Estate of Prince Rogers Nelson
 Defendant/Respondent

ORDER

DENYING

GRANTING

**In Forma Pauperis Application
(Minn. Stat § 563.01)**

Order Denying In Forma Pauperis Application

Based on the affidavit of the applicant Xavier A. Powell and the authority of Minn. Stat. § 563.01, the Court FINDS:

- X The action is frivolous.
- The applicant is not found to be indigent and is not entitled to proceed in forma pauperis.
- The applicant has not provided the court with enough information to make a finding of indigency. The record shall be kept open until _____ to allow the applicant to submit additional evidence to the court for consideration of the application. If no additional evidence is submitted by this date, the case will be closed.
- X Other: While Plaintiff maintains that the Statute of Limitations does not bar this proceeding due to the "Delayed Discovery Rule", the Court disagrees. While the Plaintiff may have learned more information since the death of the Decedent, the Plaintiff knew of his purported causes of action back in the early 1990s. At that time the Plaintiff had sufficient information to bring his alleged claims and conduct the necessary discovery. Based upon the claims alleged, Plaintiff's claims are barred by the Statute of Limitations.

IT IS ORDERED THAT: The applicant's request to proceed in forma pauperis is **DENIED**.

Recommended by:

BY THE COURT:

Referee of District Court Date

 8/9/16
 Judge of District Court Date