

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RICHARD J. SANDOWSKI,)	Civ. No. 17-00469 SOM-RLP
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S
)	MOTION TO PROCEED IN FORMA
vs.)	PAUPERIS
)	
JOHN F. KELLY, et al.)	
)	
Defendants.)	
)	

ORDER DENYING PLAINTIFF'S MOTION TO PROCEED IN FORMA PAUPERIS

On September 19, 2017, Plaintiff Richard J. Sandowski filed a complaint ("Complaint") and an Application to Proceed in the District Court Without Prepaying Fees or Costs ("Application"). For the court to grant the Application, Sandowski must establish that he is a pauper. To do so, Sandowski must submit an affidavit that includes a statement of the assets Sandowski possesses and a statement that Sandowski is unable to pay the cost of this proceeding or give security therefor. 28 U.S.C. § 1915(a)(1).

Sandowski's Complaint asserts violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., in connection with Sandowski's former job as a Transportation Security Screener with the Transportation Security Administration ("TSA"). The Complaint alleges that TSA employees engaged in discriminatory conduct against Sandowski based on his race and religion between October 2004 and August

2006. Appended to the Complaint is a copy of a decision by the Equal Employment Opportunity Commission ("EEOC") dated July 7, 2017, in which the EEOC upheld an Administrative Judge's determination that found no unlawful discrimination against Sandowski by the TSA. The EEOC's decision notified Sandowski that he had ninety (90) calendar days from the receipt of the decision to bring a civil action in U.S. District Court. See 42 U.S.C. § 2000e-(f)(1) (West 2017).

Concurrent with the filing of the Complaint, Sandowski filed the Application. However, the Application was not completely filled out. Sandowski indicates, for example, that he presently works as an Enrollment Agent at Morpho Trust USA in Hilo, Hawaii, but he does not state what his pay or wages are. Sandowski also does not say whether he receives income from sources other than his employment, and neglects to provide the value (if any) of cars, real estate, jewelry, or financial instruments that he owns. Finally, although Sandowski indicates that he makes a monthly mortgage payment and supports two dependents, he does not list the amount of those expenses.

Under these circumstances, Sandowski has failed to demonstrate that he cannot afford to prepay the costs of initiating this action. Accordingly, the Application is denied without prejudice. Sandowski may file another Application that completely fills out the form concerning his ability to prepay

costs or give security therefor. Any further Application should be filed no later than October 5, 2017. Failure to file a completed Application or to pay the appropriate filing fee by that date will result in the automatic dismissal of this case for failure to pay the filing fee.

Additionally, if Sandowski chooses to file another Application, he is advised that the court would find it useful if he appended a copy of the EEOC Administrative Judge's decision in favor of the TSA. However, Sandowski is not required to append such a copy in order to bring this suit.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, September 21, 2017.



/s/ Susan Oki Mollway

Susan Oki Mollway
United States District Judge

Sandowski v. Kelly et al., Civil No. 17-00469 SOM-RLP; ORDER DENYING
PLAINTIFF'S MOTION TO PROCEED IN FORMA PAUPERIS