

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOHN DOE

CIVIL ACTION NO.

VERSUS

16-877-SDD-EWD

**LOUISIANA BOARD OF
ETHICS (BOE), ET AL.**

ORDER

On December 30, 2016, Plaintiff filed a handwritten Complaint in this court against the Louisiana Board of Ethics.¹ However, Plaintiff failed to pay the filing fee and failed to file a motion to proceed in forma pauperis (an “IFP motion”). Accordingly, this court ordered Plaintiff to appear and show cause on February 7, 2017 why plaintiff failed to file an IFP Motion or pay the Court’s filing fee.² During the February 7, 2017 hearing, Plaintiff advised the court that he believed Louisiana law permitted him to proceed without payment of the filing fee or filing an IFP motion based on provisions of Louisiana election law governing major party candidates. When the court questioned Plaintiff further, he was unable to cite the court to the particular provision(s) of law upon which he relies. The court allowed Plaintiff to file briefing with regard to this issue.³ Additionally, the court ordered that Plaintiff could either pay the filing fee in this matter or submit

¹ R. Doc. 1. Attachments to Plaintiff’s Complaint include a “Notice of Appeal” “for reversal of the 19th JDC Clerk’s decision to dismiss this Action...” R. Doc. 1-1. Accordingly, the undersigned questions whether Plaintiff intended to file this action in federal district court, or instead seeks appellate review within the state court system. Plaintiff also attaches a “Petition for Damages” with a caption indicating Plaintiff intended to institute suit in the state district court. In that Petition, Plaintiff alleges that he was “wrongfully fined \$2,500 by the Louisiana Board of Ethics for allegations of not filing campaign finance report in a timely manner in year 2011.” R. Doc. 1-1. Plaintiff’s “Notice of Appeal” seems to appeal a dismissal of his state court petition for failure to pay the filing fee. (“Advance deposits are illegal and unconstitutional for it favors the rich and impedes justice. The clerk sat on the action for over 40 days doing nothing, then mails a request for \$400.00 to Mr. Ceasar for what?”).

² R. Doc. 2.

³ R. Doc. 4.

a completed Application to Proceed in District Court Without Prepayment of Fees or Costs (Long Form) in lieu of submitting the supplemental briefing.⁴ On February 15, 2017, Plaintiff filed an “Answer and Objection” in response to the undersigned’s Hearing Report and Order.⁵

In his Answer and Objection, Plaintiff argues that “[t]he Honorable Clerk of Court in this matter accepted this pleading based on the merits of the explanation already submitted by plaintiff that there is no fee involved in this matter since it arises out of an action started by the Louisiana Board of Ethics (BOE) in 2011 at which time plaintiff was a major office candidate for Governor of the State of Louisiana.”⁶ Plaintiff contends that “[t]he Honorable Clerk of Court in this matter did not challenge the explanation (which is his charge) and therefore, plaintiff is cleared to proceed as allowed by law.”⁷ Plaintiff further argues that “[p]ublic servants legal fees are waived and paid by the State of Louisiana to protect from being injured financially while serving the public or offering to become a public servant.”⁸

Despite this court’s direct questioning and the Notice and Order allowing Plaintiff to submit briefing on this issue, Plaintiff has failed to cite any specific provision of law to support his position that Louisiana law permits him to proceed without paying the filing fee or filing an IFP motion. The undersigned is not aware of any such law. Moreover, Plaintiff provides no support for his position that simply because the clerk of court accepted his Complaint for filing, the requirement of either filing an IFP motion or paying the filing fee was dispensed with. Indeed, such position is belied by the court’s subsequent Order to Show Cause requiring Plaintiff to either

⁴ R. Doc. 4. The court attached the Long Form application to its February 7, 2017 Notice and Order.

⁵ R. Doc. 5.

⁶ R. Doc. 5, p. 1.

⁷ R. Doc. 5, p. 1.

⁸ R. Doc. 5, p. 2.

file an IFP motion or pay the fee. Moreover, in spite of the undersigned's repeated invitations to Plaintiff to submit an IFP motion (as well as the court actually attaching the Long Form for such motion to its Notice and Order), Plaintiff has not moved to proceed in forma pauperis.

IT IS HEREBY ORDERED that Plaintiff shall either pay the \$400.00 filing fee or file an Application to Proceed in District Court Without Prepayment of Fees or Costs (Long Form) within seven (7) days of this Order. The Application to Proceed in District Court Without Prepayment of Fees or Costs (Long Form) is attached.

Plaintiff is advised that failure to timely comply with the terms of this Order may result in a recommendation that this case be dismissed.

Signed in Baton Rouge, Louisiana, on February 23, 2017.



ERIN WILDER-DOOMES
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the
Middle District of Louisiana

John Doe)	
<i>Plaintiff/Petitioner</i>)	
v.)	Civil Action No. 3:16-cv-877-SDD-EWD
Louisiana Board of Ethics (BOE), et al.)	
<i>Defendant/Respondent</i>)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)

<p>Affidavit in Support of the Application</p> <p>I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested. I declare under penalty of perjury that the information below is true and understand that a false statement may result in a dismissal of my claims.</p> <p>Signed: _____</p>	<p>Instructions</p> <p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: _____</p>
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- For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly income amount during the past 12 months		Income amount expected next month	
	You	Spouse	You	Spouse
Employment	\$	\$	\$	\$
Self-employment	\$	\$	\$	\$
Income from real property <i>(such as rental income)</i>	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$

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Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$	0.00	\$	0.00
	\$	0.00	\$	0.00
	\$	0.00	\$	0.00
	\$	0.00	\$	0.00

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ _____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
		\$	\$
		\$	\$
		\$	\$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Assets owned by you or your spouse	
Home (<i>Value</i>)	\$
Other real estate (<i>Value</i>)	\$
Motor vehicle #1 (<i>Value</i>)	\$
Make and year:	
Model:	
Registration #:	
Motor vehicle #2 (<i>Value</i>)	\$
Make and year:	
Model:	
Registration #:	
Other assets (<i>Value</i>)	\$
Other assets (<i>Value</i>)	\$

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name (or, if under 18, initials only)	Relationship	Age

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment <i>(including lot rented for mobile home)</i> Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Utilities <i>(electricity, heating fuel, water, sewer, and telephone)</i>	\$	\$
Home maintenance <i>(repairs and upkeep)</i>	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$
Transportation <i>(not including motor vehicle payments)</i>	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance <i>(not deducted from wages or included in mortgage payments)</i>		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes <i>(not deducted from wages or included in mortgage payments) (specify):</i>	\$	\$
Installment payments		
Motor vehicle:	\$	\$
Credit card <i>(name):</i>	\$	\$
Department store <i>(name):</i>	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$

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Regular expenses for operation of business, profession, or farm (<i>attach detailed statement</i>)	\$	\$
Other (<i>specify</i>):	\$	\$
Total monthly expenses:	\$	0.00
		\$
		0.00

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you spent — or will you be spending — any money for expenses or attorney fees in conjunction with this lawsuit? Yes No

If yes, how much? \$ _____

11. Provide any other information that will help explain why you cannot pay the costs of these proceedings.

12. Identify the city and state of your legal residence.

Your daytime phone number: _____

Your age: _____ Your years of schooling: _____