

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

| | | |
|------------------------|---|------------------------------|
| ALLA IOSIFOVNA SHUPER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Docket no. 2:14-cv-00471-GZS |
| |) | |
| STATE OF MAINE, |) | |
| |) | |
| Defendant. |) | |

ORDER ON ALL PENDING MOTIONS

Before the Court are Plaintiff Alla Iosifovna Shuper's Applications to Proceed *In Forma Pauperis* (ECF Nos. 5, 12 & 16). The Court hereby GRANTS Plaintiff leave to proceed *in forma pauperis* in this action.

Also before the Court are the Motion for Reconsideration (ECF No. 4) and the Motion to Amend the Motion for Reconsideration (ECF No. 6). Both of these Motions pertain to the Court's November 18, 2014 Order requesting that Plaintiff either pay the filing fee or file a request to proceed *in forma pauperis* in each of her docketed cases. (See Order (ECF No. 2).) In light of the Court's decision to grant Plaintiff's request to proceed *in forma pauperis*, the Court finds both of these requests for reconsideration (ECF Nos. 4 & 6) MOOT.¹ The Court notes that similar motions for reconsideration were filed in each of Plaintiff's then twenty-four cases.²

Plaintiff Shuper has also filed an Appeal to the Chief Judge (ECF No. 7). To the extent that Plaintiff Shuper is appealing the Court's November 18, 2014 Order to the Chief Judge, there

¹ The Court also notes that Plaintiff Shuper has filed an interlocutory appeal with regard to the Court's November 18, 2014 Order. (See Interlocutory Appeal (ECF No. 10).)

² Since November 12, 2014, Plaintiff Shuper has filed twenty-five complaints with this Court. However, Shuper v. Falmouth Memorial Library, 2:14-cv-00506-GZS, was not filed by Plaintiff Shuper until November 25, 2014, after she filed the Motion for Reconsideration and Motion to Amend the Motion for Reconsideration on November 19 and 20, 2014.

is no such right to appeal to the Chief Judge, and it is therefore DENIED. As with the Motion for Reconsideration and the Motion to Amend the Motion for Reconsideration, *pro se* Plaintiff Shuper's Appeal to the Chief Judge was filed in each of her then twenty-four cases.

Plaintiff Shuper has also filed a Motion to Accept the Change in *Pro Se* Filing, thereby requesting that she be permitted to file documents manually rather than electronically (ECF No. 9). The Court GRANTS the Motion, which has also been filed in each of her cases.

Upon the Court's review of the Complaint, the Court concludes that the case must be dismissed in accordance with 28 U.S.C. § 1915(e)(2). Through the handwritten Complaint, Plaintiff Shuper attempts to bring a case against the State of Maine. The Complaint asserts that the situation in the State of Maine, the United States and the world is critical with regard to guns, and that many individuals in the State of Maine recently have been killed. For relief, the Complaint suggests that a referendum be organized on the topics of gun control and the freedom to have a gun. Liberally construing the Complaint, the Court cannot see any claim against the State of Maine, nor does the Complaint articulate a personal, particularized injury to Plaintiff. In accordance with 28 U.S.C. § 1915(e)(2), the Court readily finds the present Complaint is frivolous and fails to state any cognizable claim. Therefore, the Complaint must be DISMISSED.

Finally, before the Court is Plaintiff Shuper's Motion for Leave to Proceed *In Forma Pauperis* on Appeal (ECF No. 11). Through Plaintiff Shuper's Motion, she asks this Court to excuse her from paying the docket fees in connection with her November 28, 2014 Notice of Appeal (ECF No. 10). The Court believes that Plaintiff Shuper's November 28, 2014 Notice of Appeal is premature and improper given the procedural posture of her case. As a result, the Court concludes that the present appeal is not taken in good faith as required under 28 U.S.C. §

1915(a)(3) & F.R.A.P. 24(a)(2) & (4). For this reason, the Court DENIES the Motion To Leave To Appeal *In Forma Pauperis* on Appeal (ECF No. 11).

The Clerk is directed to DISMISS this action and mail a copy of this Order to Plaintiff Shuper. Additionally, the Court certifies that any appeal from this Order would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 2nd day of December, 2014.