

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

KENNETH MANNS,

Plaintiff,

v.

T. SIMMS, et al.,

Defendants.

Civil Action
No. 16-4729 (JBS-KMW)

MEMORANDUM OPINION

SIMANDLE, Chief District Judge

Plaintiff Kenneth Manns, a prisoner currently confined at FCI Fort Dix, New Jersey, seeks to bring this civil action in forma pauperis ("IFP"), without prepayment of fees or security. IFP Application, Docket Entry 1-4.

Plaintiff submitted an account statement that has not been certified by an appropriate prison official as required by 28 U.S.C. § 1915(a)(2). Plaintiff also did not indicate how much he receives from his prison employment and outside sources. IFP Application at 2. In addition to those defects, the account statement shows that as of July 26, 2016, Plaintiff had an account balance of \$689.57, National 6 Month Deposits of \$2,562.29, a National 6 Months Average Daily Balance of \$802.29, a 30-day local maximum balance of \$1,030.11, and a 30-day average balance of \$886.41. IFP Application at 5.

IFP status is a privilege, not a right. *Shahin v. Sec. of Del.*, 532 F. App'x 123 (3d Cir. 2013) (per curiam) (citing *White v. Colo.*, 157 F.3d 1226, 1233 (10th Cir. 1998)). "In determining whether a litigant is eligible for IFP status, the Court should consider the financial position of the party." *Id.* (affirming denial of IFP in spite of monthly income of only \$95 from self-employment as plaintiff would not be deprived of "necessities of life").

Here, Plaintiff's income as reflected by the account statement indicates he is able to afford the \$350 filing fee and \$50 administrative fee. Requiring him to pay the filing fee would not deprive him of the necessities of life as the prison provides his food, clothing, and shelter. Like the plaintiff in *Shahin*, Plaintiff may have to save in order to pay the filing fee, but such requirement "would not deprive [him] of the 'necessities of life.'" 532 F. App'x at 124. The Court will therefore deny the application to proceed *in forma pauperis*.

An appropriate order follows.

August 9, 2016
Date

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge