-JAD EL v. ORACLE FINANCIAL SERVICES SOFTWARE INC. et al Doc. 2

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT**
**DISTRICT OF NEW JERSEY**

CLOSED

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| AUSET, et al.,<br><br>Plaintiff,<br>v.<br><br>ORACLE FINANCIAL SERVICES SOFTWARE INC., et al.,<br><br>Defendants. | **Hon. Dennis M. Cavanaugh**<br><br>**ORDER**<br><br>Civil Action No. 10cv3638 (DMC) |

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon motion by Plaintiff, Auset, et al. ("Plaintiff"), to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915; and upon consideration of Plaintiff's affidavit;

**WHEREAS** Plaintiff having filed a similar application and complaint in 2009 against the same defendants in 9cv4405 and having submitted an earnings statement indicating a considerably biweekly net pay which plaintiff has failed to submit with this application;

**WHEREAS** the absence of such financial statement precludes the court from adequately accessing the plaintiffs financial hardship as to not afford the filing fee;

**WHEREAS** requiring Plaintiff to resubmit his IFP application with a more detailed financial affidavit in this situation does not contradict the dictates of 28 U.S.C. § 1915;

IT IS on this 6 day of December 2010;

**ORDERED** that Plaintiff's motion to proceed *in forma pauperis* is **denied**; and it is further

**ORDERED** that Plaintiff's Complaint is **dismissed** without prejudice.

Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: All Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File

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