

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN E. GREENE,	:	
	:	
Plaintiff,	:	Civ. No. 17-5291 (KM) (JBC)
	:	
v.	:	
	:	
GARY LANIGAN et al.,	:	OPINION
	:	
Defendants.	:	
	:	

KEVIN MCNULTY, U.S.D.J.

Plaintiff pro se, John E. Greene, a person subject to civil commitment by the State, seeks to proceed with a civil rights complaint. Previously, this Court denied Mr. Greene’s initial application to proceed *in forma pauperis* without prejudice, as it was not filed on the proper form and did not include sufficient information for the court to make its determination.¹ (ECF No. 2.) Consequently, the case was administratively terminated. (*Id.*)

Mr. Greene has now filed a new application to proceed *in forma pauperis* that includes additional information. (ECF No. 3.) The case will be reopened so that the Court may consider this application.

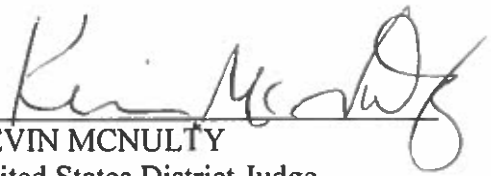
Mr. Greene’s new application indicates that Mr. Greene receives monthly income of \$582.00, and an included trust account statement indicates a spendable balance of \$4687.11. (ECF Nos. 3, 3-2). *In forma pauperis* status is a privilege, not a right. *Shahin v. Sec’y of State of Del.*, 532 F. App’x 123, 123–24 (3d Cir. 2013) (affirming *in forma pauperis* denial where plaintiff’s monthly income was only \$95, as paying filing fee “would not deprive her of the

¹ A plaintiff who seeks to proceed *in forma pauperis* must submit an affidavit, including a statement of all assets, showing that the prisoner is unable to pay the applicable filing fee. *See* 28 U.S.C. § 1915(a)(1).

necessities of life” (internal quotation marks omitted)). Here, Mr. Greene’s income and savings, as reflected by the trust account statement, indicate that he is able to afford the \$350 filing fee and \$50 administrative fee. There is no indication that requiring him to pay the filing fee would deprive him of the necessities of life. *See Shahin*, 532 F. App’x at 124. The Court will therefore deny the application to proceed in forma pauperis.

Accordingly, the Clerk of the Court will be ordered to re-administratively terminate the case. Plaintiff may reopen this action, however, by paying the required filing fee or, if his circumstances change, filing a renewed application to proceed *in forma pauperis*.

DATED: December 20, 2017



KEVIN MCNULTY
United States District Judge