

NOT FOR PUBLICATION

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

	:	
FREDERICK METOYER,	:	Civil No. 08-4206 (GEB)
	:	
Plaintiff,	:	
	:	OPINION AND ORDER
v.	:	
	:	
ARTHUR J. GALLAGHER, et al.,	:	
	:	
Defendants.	:	
	:	

BROWN, Chief District Judge

Plaintiff Frederick Metoyer (“Plaintiff”) having submitted the complaint in the above captioned matter [#1], and it appearing that:

1. The Clerk will not file the complaint unless the person seeking relief pays the entire applicable filing fee in advance or the person applies for and is granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915. *See* Local Civil R. 5.1(f).

2. The filing fee for commencing a civil action in this court is \$350.00. *See* 28 U.S.C. § 1914(a).

2. Plaintiff did not prepay \$350.00; rather, he submitted his application to proceed in this matter *in forma pauperis*, pursuant to 28 U.S.C. § 1915 (“Application”) [#2].

3. In making such an application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty. *United States ex rel. Roberts v. Pennsylvania*, 312 F. Supp. 1, 2 (E.D. Pa. 1969) (finding affiant’s application legally insufficient where the application failed to state the facts of affiant’s poverty with any degree of particularity,

definiteness or certainty) (citing *United States v. Coor*, 213 F. Supp. 955, 956 (D.D.C. 1963), *rev'd on other grounds*, 325 F.2d 1014 (D.C. Cir. 1963); *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)).

4. In his Application, Plaintiff failed to state any facts concerning his claimed poverty. (*Id.*)

IT IS THEREFORE on this 19th day of February, 2009, hereby

ORDERED that Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice; and it is further

ORDERED that the Clerk shall serve this Order upon Plaintiff by regular U.S. mail.

/s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.