

NOT FOR PUBLICATION

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

	:	
ANDREA M. YESSIAN,	:	Civil No. 09-2911 (GEB)
	:	
Plaintiff,	:	
	:	OPINION AND ORDER
v.	:	
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendants.	:	
	:	

Plaintiff Andrea M. Yessian (“Plaintiff”), having submitted a complaint in the above captioned matter, 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).

3. Plaintiff did not prepay \$350.00; rather, she submitted her application to proceed in this matter *in forma pauperis*, pursuant to 28 U.S.C. § 1915 (“Application”).

4. 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)).

5. In her Application, Plaintiff stated that she is unemployed and that she receives \$350.00 per week in alimony and \$500.00 per month in child support. She also provided the amount that she pays in rent, and the amount of money that she has left after paying rent to pay her remaining expenses. She indicated that she does not have a checking or savings account; she does not own any real estate, stocks, bonds, securities, or any other thing of value; and she states that she has three children.

IT IS THEREFORE on this 7th day of July, 2009,

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

ORDERED that the Clerk shall file the Complaint; and it is further

ORDERED that the Clerk shall serve this Order upon Plaintiff by regular mail; and it is further

ORDERED that the Clerk issue summons and the United States Marshal serve a copy of the complaint, summons and this order upon the Defendant as directed by the plaintiff. All costs of service shall be advanced by the United States.

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