

NOT FOR PUBLICATION

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

Aaron D. FORMAN,

Appellant,

v.

Catherine E. YOUNGMAN and AMBOY
BANK,

Appellees.

Civ. No. 13-5877

OPINION

THOMPSON, U.S.D.J.

INTRODUCTION

This matter is before the Court on the application of Aaron D. Forman (“Appellant”) to proceed *in forma pauperis* on his appeal to the Third Circuit. (Docket No. 22). The Court will grant Plaintiff’s application to proceed *in forma pauperis*, but will dismiss Plaintiff’s Appeal as frivolous.

DISCUSSION

1. Application to proceed *in forma pauperis*

To avoid paying court fees, a plaintiff may submit an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. “In making such application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty.” *Simon v. Mercer Cnty. Comm. College*, No. 10–5505, 2011 WL 551196, at *1 (D.N.J. Feb.9, 2011). A litigant need not be “absolutely destitute” to qualify. *Mack v. Curran*, 457 F. App’x 141, 144 (3d Cir.2012).

It appears from his application that Plaintiff is unemployed and has no assets besides \$29.00 in a savings account. Upon review, the Court believes that Plaintiff has shown sufficient economic disadvantage to persuade the Court to permit him to proceed *in forma pauperis*.

2. Dismissal under 28 U.S.C. § 1915(e)

Having granted Plaintiff's application to proceed *in forma pauperis*, the Court must screen the Appeal to determine whether dismissal is warranted pursuant to 28 U.S.C. § 1915. Under § 1915(e), the Court shall *sua sponte* dismiss any appeals that are (1) "frivolous or malicious; (2) fail[] to state a claim upon which relief may be granted; or (3) seek[] monetary relief from a defendant immune from such relief." 28 U.S.C. § 1915(e)(2) (B). Under § 1915 (3), "[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith."

Here, the Court finds that the appeal is frivolous and not in good faith. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (An action is frivolous if it "lacks an arguable basis either in law or in fact."). In addition, Appellant offers no legal justification for his appeal. Accordingly, Appellant's appeal will be dismissed.

CONCLUSION

For the reasons set forth above, Appellant's appeal will be dismissed.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.

Date: 8/5/14