

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALI MOSHIR,

Plaintiff,

-against-

CHEF/COOK, ET AL.,

Defendants.

23-CV-8786 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated September 28, 2023, the Court directed Plaintiff, within 30 days, to submit a completed request to proceed *in forma pauperis* (IFP application) or pay the \$402.00 in fees required to file a civil action in this court. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application or paid the fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court has previously warned Plaintiff that further vexatious or frivolous litigation in this Court may result in an order barring Plaintiff from filing new actions IFP unless he receives prior permission. *See Moshir v. IGPP USA, Inc.*, ECF 23-CV-8459, 3 (S.D.N.Y. Oct. 31, 2023) (relying on 28 U.S.C. § 1651). The Court repeats that warning.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). Judgment shall enter.

Dated: November 14, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge