

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YURI COUTO,

Plaintiff,

-v.-

AMERICAN EXPRESS COMPANY,

Defendant.

23 Civ. 10085 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Plaintiff Yuri Couto brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Along with the complaint, the Court received from Plaintiff a personal check in the amount of \$402.00. (Dkt. #1). On November 16, 2023, the court’s Finance Department placed an entry on the docket indicating that a personal check is not an acceptable payment method. (*See* November 16, 2023 Minute Entry). That same day, the Court received from Plaintiff a money order in the amount of \$402.00, which money order was processed by the court’s Finance Department. The Clerk of Court then issued a summons. On November 18, 2023, Plaintiff filed a letter motion requesting that the Court instead use his personal check as payment for this case and to return his money order. (Dkt. #3.)

Plaintiff's request must be denied, however, as his money order has been processed by the court's Finance Department and a summons has been issued, such that Plaintiff is not entitled to any return or refund of the money order. On the other hand, Plaintiff's personal check was not an acceptable payment method to pay the filing fees, and can therefore be returned to Plaintiff.

CONCLUSION

Plaintiff's request for the return of the money order is hereby DENIED. The Clerk of Court is directed to return to Plaintiff his personal check for \$402.00, via certified mail to Plaintiff's address of record, and include as well a copy of this Order.

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 *in forma pauperis* 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).

SO ORDERED.

Dated: November 28, 2023
New York, New York



KATHERINE POLK FAILLA
United States District Judge