

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

APR 27 2017


CLERK

GARANG DENG MACHAM ANGUI,

Plaintiff,

vs.

U.S.A. DISTRICT COURT FOR
CITIZENSHIP/IMMIGRATION,

Defendant.

4:17-CV-04060-RAL

ORDER DISMISSING COMPLAINT

Plaintiff Garang Deng Macham Angui (“Angui”) filed this pro se lawsuit complaining that his application for citizenship was denied. Doc. 1. Angui claims that his application was first denied because he had not paid certain fines, but even after he did pay the fines, his application was still denied. *Id.* In relief, Angui requests that this Court grant him citizenship. *Id.* at 3.

Angui moves for leave to proceed in forma pauperis. Doc. 2. An applicant may commencement suit without prepayment of fees if he shows he is unable to pay the costs of the lawsuit. 28 U.S.C. § 1915. Determining whether an applicant qualifies to proceed in forma pauperis is committed to the court’s discretion. *Lee v. McDonald's Corp.*, 231 F.3d 456, 458 (8th Cir. 2000) (citation omitted). “In forma pauperis status does not require a litigant to demonstrate absolute destitution.” *Id.* at 459. This Court finds that Angui is qualified to proceed in forma pauperis, and his motion is granted.

In his complaint, Angui alleges that he has already appealed the decision to deny his application to “Immigration.” Doc. 1 at 1. It is unclear from his complaint whether Angui is still appealing or will be refiling his citizenship application. Regardless, this Court cannot provide Angui legal advice on what to do, and a lawsuit in this Court is an inappropriate vehicle to pursue citizenship. This Court cannot unilaterally grant him the relief he seeks: immediate grant of citizenship as a way of bypassing procedures in place to determine citizenship. Therefore, the Court finds that Angui fails to state a claim upon which relief may be granted, and his complaint is dismissed. *See* 28 U.S.C. § 1915(e)(2)(B)(ii) (“the court shall dismiss the case at any time if the court determines that . . . the action . . . fails to state a claim on which relief may be granted”).

Accordingly, it is ORDERED

1. Angui’s motion for leave to proceed in forma pauperis (Doc. 2) is granted.
2. Angui’s complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.
3. Angui’s motion to appoint counsel (Doc. 4) is denied as moot.

Dated April 27, 2017.

BY THE COURT:



ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE