



## **IN FORMA PAUPERIS APPLICATIONS**

### ***What does “in forma pauperis” mean?***

*In forma pauperis* is Latin for “in the form of a pauper.” If you believe that you are unable to pay the filing fee for an action, you may apply for *in forma pauperis* (or “IFP”) status.

### ***What is required to file an IFP application?***

Available on the Court’s website is a form that you may use to apply for IFP status. It is strongly recommended that you use this form, as it will ensure that you provide all the information necessary for the Court to determine whether you qualify financially for IFP status.

Regardless of whether you use this District’s standard application, you must submit a signed affidavit stating that you are unable to pay the filing fee for the action. That affidavit must also include a statement of your assets, income, and expenses. If there is more than one plaintiff, then each plaintiff should submit an individual IFP application unless the plaintiffs entirely share familial assets, income, and expenses—for example, co-plaintiffs who are married to one another need not submit separate IFP applications if the married plaintiffs also share assets, income, and expenses.

If you are a prisoner filing a non-habeas action, you will also be required to submit a certified statement from an official at the institution where you are confined attesting to the average deposits to and balance of your prison trust account for the six months preceding the filing of the action. This information will be used to calculate the initial partial filing fee owed at the outset of your case. It is not necessary to file this prison certificate in habeas proceedings.

### ***What will happen after the IFP application is filed?***

After you file an IFP application, it will be reviewed by a magistrate judge soon after the case is opened. The magistrate judge will examine the financial information provided in the IFP application and determine whether payment of the filing fee would amount to an undue hardship or would result in the deprivation of the necessities of life. If the magistrate judge finds that you can afford the filing fee, then you will be ordered to pay the filing fee and proceed as a non-IFP litigant.



If the magistrate judge finds that you cannot afford the filing fee, the magistrate judge will review your pleading. If your pleading is found to be defective, your case will ultimately be dismissed and your IFP application will not be granted.

### ***What happens after my IFP application is granted?***

If the magistrate judge finds that you are unable to afford the filing fee and that your complaint survives preservice review, then the magistrate judge will enter an order granting your IFP application. If your IFP application is granted, the Clerk's Office will issue a signed and sealed summons and arrange to have a copy of the summons and complaint served upon the named defendant(s) by a U.S. Marshal. You must provide the Clerk's Office with an accurate address for each named defendant on a U.S. Marshal Service form to ensure that each defendant is properly served.

### ***What costs will be paid by the Court if I am granted IFP status?***

Under 28 U.S.C. § 1915, persons granted IFP status will have their filing fee and service of process for the summons and complaint paid by the Court. Most other costs – including attorney's fees, copy fees, costs of serving documents other than the complaint, and discovery costs – are not reimbursable under § 1915. For more information, please refer to 28 U.S.C. § 1915(c).

If you are granted IFP status and later file an appeal, you will remain on IFP status for purposes of that appeal and will not be required to pay the filing fee for the appeal unless the district judge assigned to your case certifies in writing that the appeal is not taken in good faith. Certain other appellate costs, including the printing of the record on appeal if required by the appellate court, will also be waived.

If you are a prisoner bringing a non-habeas action or appealing from the dismissal of a non-habeas action, you will not be entitled to a complete waiver of the filing fee even if you are granted IFP status. IFP status does, however, entitle a prisoner-litigant to pay the statutory filing fee in installments over time, rather than all at one at the outset of the case. The first of those installments is due upon filing and will be calculated by the Court based on the average deposits to and balance of the prisoner's facility trust account.