

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

LUCENILDA GARCIA, :
 :
 Plaintiff, :
 :
 vs. : No. 3:13cv0701(WIG)
 :
 COMMISSIONER OF SOCIAL SECURITY, :
 :
 Defendant. :
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ORDER

Plaintiff, Lucenilda Garcia, has filed a complaint on a form supplied by the Court entitled “Social Security Complaint” [Doc. # 1]. She has also sought to proceed *in forma pauperis* [Doc. # 2], which would allow her to file this complaint without the payment of filing fees normally required of civil litigants. Proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915 is a privilege - not a right. It is a privilege extended to those individuals unable to pay a filing fee when their civil action is not frivolous or malicious. *Holmes v. Hardy*, 852 F.2d 151, 153 (5th Cir.) (“There is no absolute right to proceed in court without paying a filing fee in civil matters.”), *cert. denied*, 488 U.S. 931 (1988). The purpose of *in forma pauperis* status under 28 U.S.C. § 1915 is to insure that litigants will not be deprived of access to the courts because of their financial circumstances. *Monti v. McKeon*, 600 F. Supp. 112, 114 (D. Conn. 1984), *aff’d*, 788 F.2d 1 (2d Cir. 1985)(Table).

Applications to proceed *in forma pauperis* trigger a two-step process of review by the district court. First, the Court must determine whether the litigant qualifies by economic status and, second, whether the cause of action asserted in the complaint is frivolous, malicious or

without merit. *Bey v. Syracuse University*, 155 F.R.D. 413 (N.D.N.Y. 1994).

In this case, Plaintiff has failed to respond to virtually every question on the complaint form, such that the Court cannot determine whether Plaintiff has a meritorious complaint. Plaintiff has failed to indicate the type of Social Security claim she is filing. She has failed to list the Social Security cases filed in this Court in the last 10 years. She has failed to describe her disability. She has failed to respond to the questions about the disposition of her claim by the Social Security Administration, including action taken by the Administrative Law Judge, and the Appeals Council (or Decision Review Board). And, most importantly, she has failed to attach a copy of the decision of the Appeals Council (or Decision Review Board) as required by the complaint form. Without this information, the Court cannot evaluate Plaintiff's complaint to determine whether she should be allowed to proceed *in forma pauperis*.

Therefore, the Court orders Plaintiff to submit an Amended Complaint in which she responds to all of the questions to the best of her ability. She must also attach a copy of the decision of the Appeals Council (or Decision Review Board). Plaintiff should file this within 20 days of the date of this Order. At that time, the Court will consider Plaintiff's Motion to Proceed *In Forma Pauperis*. Failure to do so will result in the Court's recommending that the Motion to Proceed *In Forma Pauperis* be denied.

SO ORDERED, this 21st day of May, 2013, at Bridgeport, Connecticut.

/s/ William I. Garfinkel

WILLIAM I. GARFINKEL
United States Magistrate Judge