

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

RAFAEL HERNANDEZ,  
Plaintiff,

v.

ANGEL QUIROS, et al.,  
Defendant.

No. 3:24-cv-425 (SRU)

**ORDER ON PLAINTIFF'S MOTION  
FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

The plaintiff, Rafael Hernandez, moves for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this civil rights action. Docs. No. 2, 13, 17. For the reasons that follow, Hernandez's motion to proceed *in forma pauperis* is **denied**.

The decision to allow an individual to proceed *in forma pauperis* in civil cases is committed to the sound discretion of the district court. *Monti v. McKeon*, 600 F. Supp. 112, 113 (D. Conn. 1984), *aff'd*, 788 F.2d 1 (2d Cir. 1985). In exercising that discretion, the district court must determine whether the burden of paying the fees for filing and service would either hamper the plaintiff's ability to obtain the necessities of life or force him to abandon the action. *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948); *Potnick v. Easter State Hosp.*, 701 F.2d 243, 244 (2d Cir. 1983).

The copy of Hernandez's inmate trust account statement shows that he has a spendable balance of \$2,136.07 and during the past six months has received deposits totaling over \$1,500.00. Doc. No. 13 at 7-9. Hernandez states that he supports no dependents and spends about \$150.00 per month in the commissary. He therefore has sufficient funds to pay the filing fee in this case.

Hernandez's motions to proceed *in forma pauperis*, **docs. no. 2, 13, 17**, are **denied**. The complaint will be deemed received by the court on March 22, 2024, so long as the filing fee is submitted within the time allotted by this order. All further proceedings in the matter shall be held in abeyance for **twenty-one (21) days** pending Hernandez's delivery of the filing fee in the amount of \$405.00 (money order or bank check made payable to the Clerk of Court) to the Clerk's Office, 915 Lafayette Blvd., Bridgeport, Connecticut, 06604. If Hernandez fails to submit the filing fee within twenty-one days of this Order, **his case will be dismissed without prejudice** to refiling once he is able to pay the fee.

So ordered.

Dated at Bridgeport, Connecticut, this 24th day of April 2024.

/s/ STEFAN R. UNDERHILL  
Stefan R. Underhill  
United States District Judge