

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FRANCESCA AMATO,

Plaintiff,

1:21-cv-00860
(GLS/TWD)

v.

ANTHONY McGINTY,

Defendant.

APPEARANCES:

FRANCESCA AMATO

Plaintiff, *pro se*

PO Box 774

Marlboro, NY 12542

THÉRÈSE WILEY DANCKS, United States Magistrate Judge

ORDER

On July 30, 2021, Francesca Amato (“Plaintiff”) filed a *pro se* complaint and an accompanying application to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915. (Dkt. Nos. 1, 2.) However, the complaint was not signed, and Plaintiff was directed to submit a signed copy of the complaint. (Dkt. No. 5.) Thereafter, Plaintiff submitted an amended complaint. (Dkt. No. 6.)

A court may grant *in forma pauperis* status if a party “is *unable* to pay” the standard fee for commencing an action. 28 U.S.C. § 1915(a)(1) (emphasis added). Plaintiff’s IFP application is incomplete and does not establish that she is “unable” to pay the filing fee. To that end, Plaintiff reports she is unemployed but does not state the date of her last employment, the amount of her take-home salary or wages and the name and address of her last employer. (Dkt.

No. 2 at 1.) Plaintiff does, however, indicate she received \$21,072.00 in unemployment compensation in 2020. *Id.* at 3. She reports having \$400.00 in her checking account and lists C.A.B. as a dependent but does not indicate how much she contributes to his support. *Id.* at 2. Therefore, Plaintiff's IFP application (Dkt. No. 2) is denied as incomplete. Consequently, no determination as to the sufficiency of the amended complaint (Dkt. No. 6) has been made at this time.

If Plaintiff wishes to proceed with this action, she must submit a new signed and fully completed IFP application or pay the \$402.00 filing fee the within thirty (30) days of the date of this Order. If Plaintiff fails to either file a new IFP application or pay the filing fee within thirty (30) days of the date of this Order, this case will be administratively closed without further notice.

WHEREFORE, it is hereby

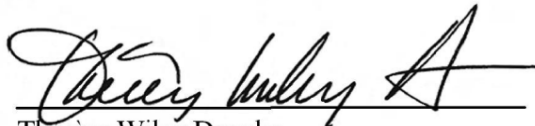
ORDERED that Plaintiff's IFP application (Dkt. No. 2) is **DENIED**, and it is further

ORDERED that Plaintiff must submit a new signed and fully completed IFP application or pay the \$402.00 filing fee **within thirty (30) days** of the date of this Order; and it is further

ORDERED that Plaintiff's failure to comply with the terms of this Order will result in an administrative closure of this case without further notice; and it is further

ORDERED that the Clerk provide Plaintiff a copy of this Order.

Dated: October 28, 2021
Syracuse, New York


Therese Wiley Dancks
United States Magistrate Judge