

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
March 25, 2014
LAWRENCE K. BAERMAN, CLERK

**United States District Court
for the
Northern District of New York**

GENERAL ORDER #49

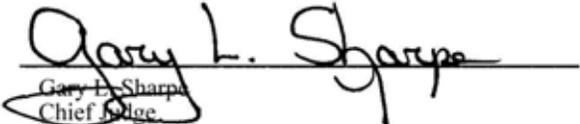
In the Matter of Filing Case-Initiation Documents
Received by Mail from Non-Incarcerated *Pro Se*
Litigants Without the Filing Fee and Without an
Application to Proceed *In Forma Pauperis*

A civil action is commenced in federal district court by filing a complaint. Fed. R. Civ. P. 3. The statutory filing fee must also be paid at the time an action is commenced, unless the plaintiff seeks *in forma pauperis* status. See 28 U.S.C. §§ 1914(a), 1915(a). The Local Rules of Practice for the Northern District of New York require all persons seeking *in forma pauperis* status to submit a completed and signed Application to Proceed *In Forma Pauperis*. See 28 U.S.C. § 1915(a)(1); N.D.N.Y. Local Rule 5.4(a).

The Court recognizes the difficulties faced by those *pro se* litigants who may be unable to appear in person at the Clerk’s Office for procedural guidance or to obtain the required Application to Proceed *In Forma Pauperis*. Moreover, the Court is “obligated to afford a special solicitude to *pro se* litigants,” which leniency extends to enforcement of procedural rules. *Tracy v. Freshwater*, 623 F.3d 90, 101 (2d Cir. 2010). Therefore, consistent with the Court’s long-standing policy of helping all litigants resolve their civil disputes in a just, timely, and cost-effective manner, and recognizing that special solicitude must be extended to *pro se* litigants, it is hereby ORDERED that:

- (1) Upon receipt by mail of a complaint or petition from a non-incarcerated *pro se* litigant without the filing fee or a signed Application to Proceed *In Forma Pauperis*, the Clerk shall file the complaint or petition, assign the action in accordance with N.D.N.Y. Local Rule 40.1, and forward the action to a judicial officer for further review.
- (2) This Order shall not limit the Clerk’s authority to refuse to file any submission because that document is not clear, not properly filed, or otherwise noncompliant with legal filing requirements.

So ORDERED this 25th day of March, 2014.
At Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court