

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 8th day of May, two thousand nineteen.

Present:

Dennis Jacobs,
Pierre N. Leval,
Christophér F. Droney,
Circuit Judges.

Antoaneta Iotova, Issak Almaleh,

Plaintiffs-Appellants,

v.

18-3446 (L),
18-3773 (Con)

Dr. Demisa, Psychologist, Dr. Miller, Psychiatrist,


Defendants-Appellees.

Appellants, pro se, move for leave to proceed in forma pauperis and to waive the requirement that they file prisoner authorization forms. Upon due consideration, it is hereby ORDERED that the motions are DENIED, and the appeals are DISMISSED because they “lack an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also* 28 U.S.C. § 1915(e).

Appellants have filed other appeals in this Court that have been dismissed as “lack[ing] an arguable basis either in law or in fact.” *See* appeal nos. 18-2370 and 18-3476. Accordingly, Appellants are hereby warned that the continued filing of duplicative, vexatious, or clearly meritless appeals, motions, or other papers could result in the imposition of a sanction that would require Appellants to obtain permission from this Court prior to filing any further submissions in this Court (a “leave to file” sanction). *See In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993); *Sassower v. Sansverie*, 885 F.2d 9, 11 (2d Cir. 1989).

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTOANETA IOTOVA; ISSAC ALMALEH,

Plaintiffs,

-against-

DR. DEMISA, PSYCHOLOGIST; DR.
MILLER, PSYCHIATRIST,

Defendants.

18-CV-9700 (LLS)

CIVIL JUDGMENT

Pursuant to the order issued November 5, 2018, dismissing the complaint,

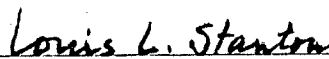
IT IS ORDERED, ADJUDGED AND DECREED that the complaint is dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to comply with the Court's order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.

IT IS FURTHER ORDERED that the Clerk of Court mail a copy of this judgment to Plaintiff and note service on the docket.

SO ORDERED.

Dated: November 5, 2018
New York, New York



LOUIS L. STANTON
U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTOANETA IOTOVA; ISSAC ALMALEH,

Plaintiffs,

-against-

DR. DEMISA, PSYCHOLOGIST; DR.
MILLER, PSYCHIATRIST,

Defendants.

18-CV-9700 (LLS)

ORDER OF DISMISSAL

LOUIS L. STANTON, United States District Judge:

By order dated October 23, 2018, the Court directed Plaintiff Antoaneta Iotova to submit a completed request to proceed *in forma pauperis* (“IFP”) and a prisoner authorization or pay the \$400.00 in fees required to file a civil action in this Court.¹ That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed a prisoner authorization or paid the fee; instead she filed a letter asking to be excused from the filing fee. Congress, in enacting the Prison Litigation Reform Act, determined that prisoners shall not be exempt from paying the \$350.00 filing fee when proceeding IFP, 28 U.S.C. § 1915(b)(1). As set forth in the Court’s prior order, a prisoner seeking to proceed in this Court without prepaying fees must therefore authorize the Court to withdraw installment payments from his or her prison account by filing a “prisoner authorization.”

Accordingly, because Plaintiff has not filed the prisoner authorization as directed, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

¹ As a nonattorney, Plaintiff Antoaneta Iotova cannot represent Issak Almaleh or assert claims on his behalf. *See, e.g., United States ex rel. Mergent Servs. v. Flaherty*, 540 F.3d 89, 92 (2d Cir. 2008) (holding that 28 U.S.C. § 1654 “permits parties only to plead and conduct their own cases personally”). Because Almaleh did not sign the complaint or submit an IFP application, the Court deems Iotova the only Plaintiff in this action.

The Clerk of Court is directed to mail a copy of this order to Antoaneta Iotova and Issac Almaleh and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

Dated: November 5, 2018
New York, New York

Louis L. Stanton
LOUIS L. STANTON
U.S.D.J.