

APPENDIX A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARY CAPRI,)	
)	
Plaintiff,)	
)	No. 18 C 6486
v.)	
)	Judge Sara L. Ellis
US ATTORNEY'S FINANCIAL)	
LITIGATION UNIT,)	
)	
Defendant.)	

ORDER

The Court denies Plaintiff Mary Capri's application for leave to proceed *in forma pauperis* [4] and dismisses this case with prejudice. The Court also denies Capri's motion for expedition of appeals [6] as moot. Civil case terminated. See Statement.

STATEMENT

Plaintiff Mary Capri filed this case against Defendant US Attorney's Financial Litigation Unit. She appears to challenge an order of restitution entered against her in a federal criminal case. Capri has filed an application for leave to proceed *in forma pauperis* ("IFP"). The Court reviews Capri's request to proceed IFP under 28 U.S.C. § 1915. Section 1915 allows indigent litigants access to the court without paying the administrative costs of bringing suit. *Neitzke v. Williams*, 490 U.S. 319, 324, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1988). But the Court first screens the complaint pursuant to § 1915(e)(2), which instructs the Court to deny the request to proceed IFP and dismiss the case if (1) the allegation of poverty is untrue, (2) the action is frivolous or malicious, (3) the complaint fails to state a claim on which relief may be granted, or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2). The Court cannot discern a basis for subject matter jurisdiction or a viable claim from Capri's allegations. Capri appears to take issue with the order of restitution entered in one of her criminal cases, claiming that it amounts to an excessive fine. But to the

2009) ("A restitution order is part of a defendant's sentence; it can be challenged on direct appeal, but not later."). Capri should raise any issues she has with her supervised release before the judges assigned to her criminal case. *See Capri v. Zammuto*, No. 13 C 8666, Doc. 19 (N.D. Ill. Sept. 16, 2014) (dismissing case brought by Capri raising questions about her criminal conviction and the manner of her supervision, noting that she could not challenge the validity of her convictions in a separate civil suit and should raise issues with her supervision before the judges overseeing her supervision). Because amendment would be futile, the Court dismisses Capri's complaint with prejudice, denies her motion to proceed IFP, and denies any remaining pending motions as moot.

Date: March 29, 2019 /s/ Sara L. Ellis _____

**Case: 1:18-cv-06486 Document #: 11 Filed: 03/29/19
Page 2 of 2 PageID #:27**

**Additional material
from this filing is
available in the
Clerk's Office.**