23-____

IN THE

SUPREME COURT OF THE UNITED STATES

IN RE:PALANI KARUPAIYAN ET AL

---Petitioners

On Petition for Writ of Mandamus, Prohibition or Alternative to the United States Court of Appeals for Third Circuit [Docket-23-3044]

Appendix-PETITION FOR WRIT OF MANDAMUS, PROHIBITION, OR ALTERNATIVE

Palani Karupaiyan.
Pro se, Petitioner,
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Table of Appendix

1. APPENDIX-A: USCA3'S OPINION FOR PETITION, FEB 14, 2024.

CLD-059 **NOT PRECEDENTIAL**
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-3044
IN RE: PALANI KARUPAIYAN, Petitioner

On a Petition for Writ of Mandamus from the United States Dist. Court for the District of New Jersey
(Related to D.N.J. Civ. No. 3:23-cv-02005)

Submitted Pursuant to Rule 21, Fed. R. App. P.
January 18, 2024
Before: KRAUSE, FREEMAN, and SCIRICA, Circuit Judges
(Opinion filed: February 14, 2024)

OPINION[1]*

PER CURIAM

In the United States District Court for the District of New Jersey, Palani Karupaiyan, a frequent litigant, sought to file suit in forma pauperis ("IFP") against Wipro Limited ("Wipro") and officials at that

[1] *This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

company (among others). The District Court denied the IFP application without prejudice as inconsistent and incomplete. At that time, the District Court screened Karupaiyan's complaint and dismissed it, in part with prejudice and in part without, with leave to amend if the District Court reopened the matter on Karupaiyan's submission of the filing fee or a proper and complete IFP application. In the District Court, Karupaiyan filed a notice of appeal, which opened C.A. No. 23-2424. He also filed a petition for writ of mandamus and prohibition in this Court.

In his petition, which he has twice amended, Karupaiyan seeks several orders against Wipro and its associated entities (including orders requiring the companies to pay him 25 million dollars, requiring Wipro to transfer ownership of the companies to him, and barring Wipro from obtaining visas for some of its employees). He complains of Wipro's outsourcing and other employment actions in ways that overlap somewhat with the allegations that he raised in his District Court complaint.

Upon review, we will deny the petition. Under 28 U.S.C. § 1651, we have the authority to "issue all writs necessary or appropriate in aid of [our jurisdiction] and agreeable to the usages and principles of law." Those writs include the drastic remedies of writs of mandamus and prohibition in extraordinary cases. See In re Diet Drugs Prods. Liab. Litig., 418 F.3d 372, 378 (3d Cir. 2005). Traditionally, we issue such writs only when a district court "has made an error of 'jurisdictional' dimension," and we use them "to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." See

United States v. Christian, 660 F.2d 892, 893 (3d Cir. 1981) (internal quotation marks and citation omitted). Karupaiyan, who objects to the actions of Wipro and other private parties and in which such a writ is appropriate.

While our jurisdiction to issue the writs "lies in cases in which potential appellate jurisdiction exists," In re Richards, 213 F.3d 773, 779 (3d Cir. 2000), we do not have potential jurisdiction, appellate or otherwise, over the claims against Wipro (and its associated entities) presented for our consideration in the first instance. See O'Hanlon v. Uber Techs., Inc., 990 F.3d 757, 763 n.3 (3d Cir. 2021) (citing the established principle that the Court is "a court of review, not of first view"). And, to the extent that Karupaiyan seeks, in his petition, review of the District Court's ruling, that ruling is not within "a carefully circumscribed and discrete category of district court orders" that we can review in mandamus or prohibition. Madden v. Myers, 102 F.3d 74, 76–77 (3d Cir. 1996), superseded in part by 3d Cir. L.A.R. 24.1(c) (2011); see also United States v. Santtini, 963 F.2d 585, 593-94 (3d Cir. 1992) (noting that the requirements are the same for obtaining either writ). Mandamus or prohibition may not be used as a substitute for appeal. See In re Briscoe, 448 F.3d 201, 212 (3d Cir. 2006).

For these reasons, we will deny Karupaiyan's petition.

2. APPENDIX-B :USCA3' ORDER DENIED FOR PETITION FOR WRIT OF MANDAMUS -FEB 14 2024.

CLD-059

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-3044

IN RE: PALANI KARUPAIYAN, Petitioner

On a Petition for Writ of Mandamus from the United States Dist. Court for the Dist. of New Jersey
(Related to D.N.J. Civ. No. 3:23-cv-02005)
Submitted Pursuant to Rule 21, Fed. R. App. P.
January 18, 2024
Before: KRAUSE, FREEMAN, and SCIRICA, Cir. Judges

ORDER

PER CURIAM:

This cause came to be considered on a petition for writ of mandamus submitted on
January 18, 2024. On consideration whereof, it is now hereby

ORDERED by this Court that the petition for writ of mandamus be, and the same
is, denied. All of the above in accordance with the opinion of the Court.

Dated: February 14, 2024
kr/sb/cc: Palani Karupaiyan

USCA3's Official Seal
A True Copy
/s/ *Patricia S. Dodszuweit*
Patricia S. Dodszuweit, Clerk

3. APPENDIX-C : US DIST COURT'S MEMORANDUM OPINION DATE 07/31/2023

Not for Publication

UNITED STATES DIST COURT DISTRICT of NEW JERSEY

PALANI Karupaiyan, PP, RP[2], *Plaintiff*,
V.
WIPRO LIMITED, THIERY DELAPORTE, ABIDALI NEEMUCHWALA, T,K. KURIEN, AZIM HASHIN PREMJI, WIPRO ENTERPRISE LTD, IDC TECHNOLOGIES, and PRATEEK GATTANI,
Defendants.

Case No. 3:23-2005- (GC) (TAB)

MEMORANDUM OPINION

CASTNER, Dist Judge

Plaintiff is a resident of Philadelphia, Pennsylvania, proceeding pro *se* against Wipro Limited, IDC Technologies, and various officers and ex-

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[2] Plaintiff Palani Karupaiyan appears to assert claims on behalf of his son, PP, and daughter, RP and requests that lie be appointed guardian ad litem. (ECF No. 1 at 7, 41,) The Court need not address this issue for purposes of the Court's review of Plaintiff s IFP and Complaint. But *see Karupaiyan v. Woodbridge twp of NJ,* Civ. No. 21-19737, 2022 WL 18859991, at *1 n.1 (D.N,J. Aug. 19, 2022), aff'd *sub nom. Karupaiyan v. twp of Woodbridge, New Jersey* No. 22-2949, 2023 WL 2182375 (3d Cir. Feb. 23, 2023), cert. dismissed sub nom. Karupaiyan v. twp of Woodbridge, New Jersey 143 S. Ct, 1775 (2023) (Noting that "a parent cannot represent the interest of his or her minor children prose se.").

officers of these companies. {*See* ECF No. 1 at 1, ¶¶5-18, ¶¶ 28-36.) On April 9, 2023, Plaintiff filed an application to proceed *in forma pauperis* (IFP). (ECF No. 1-2.)

Plaintiffs Application to proceed IFP will be denied without prejudice because the Application is incomplete and internally inconsistent. For example, although a spouse is listed, (ECF No. 1-2 at 3), the fields relating to spousal income, employment history, and expenses are left blank. (ECF No. 1 -2 at 1, 4.)3 Additionally, a monthly expense of $3,800 is listed for "Alimony, maintenance, and support paid to others," but "total monthly expenses" is listed as $890, indicating that the $3,800 figure was not used to calculate the total, *(Id.* at 4, 5.) Because the IFP application is incomplete and inconsistent, this Court will also administratively terminate this case for docket management purposes. Plaintiff may seek to reopen this action either by paying the Courts' filing fee or' by submitting a complete and consistent IFP application within 30 days with an amended Complaint curing the deficiencies set forth herein.

I. FACTUAL BACI€GROUND

Plaintiff's complaint contains a wide variety of different claims and allegations, which will be partially summarized here. First, Plaintiff makes a complex series of allegations to the general effect that Defendants are conducting fake interviews of U.S. citizens in order to

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[3]Page numbers for record citations (i,e., "ECF No.") refer to the page numbers stamped by the Court's e-filing system and not the internal pagination of the parties.

obtain additional H-IB visas. (ECF No. 1 at ¶¶ 69-81,) Plaintiff further argues that Defendants committed tax evasion and money laundering because they outsourced labor to foreign employees, which decreased the amount of income and payroll that is taxable in the United States. {*Id.* at ¶81, 82.) Plaintiff further alleges that Defendants' recruitment officers admitted that they refused to hire him as a software engineer because he was too old, a U.S. citizen, and has diabetes. (id. at ¶91-99.)

II. LEGAL STANDARD

Under 28 U.S.C. § 1915(e)(2)(B), this Court must screen complaints filed with IFP Applications, "The legal standard for dismissing a complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) is the same as that for dismissing a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6)" ("Rule"). *Schreane v Seana,* 506 F. App'x 120, 122 (3d Cir. 2012). "[A] court has the authority to dismiss a case 'at any time,' 28 U.S.C. § 1915(e)(2), regardless of the status of a filing fee; that is, a court has the discretion to consider the merits of a case and evaluate an IFP application in either order' or' even simultaneously." *Brown* v. *Sage,* 941 F.3d 655, 660 (3d Cir. 2019).

When considering a Rule 12(b)(6) motion, a district court conducts a three-part analysis. *Malleus* v. *George,* 641 F.3d 560, 563 (3d Cir. 2011). "First, the court must 'tak[e] note of the elements a plaintiff must plead to state a claim.'" *Id.* (quoting *Ashcroft v. Iqbal* , 556 U.S. 662, 675). "Second, the court should identify allegations that, 'because they are no more than conclusions, are not entitled to the assumption of truth.'" *Id.* (quoting *Iqbal,* 556 U.S. at 679). The court must accept as true all well-pleaded factual allegations and construe the complaint

in thelight most favorable to the plaintiff. *Fowler* v. *UPMC Shadyside,* 578 F.3d 203, 210 (3d Cir. 2009) (citation omitted). Third, the court must determine whether the well-pleaded facts "plausibly give rise to an entitlement for relief." *Malleus,* 641 F.3d at 563 (quoting *Iqbal,* 556 U.S. at 679); .*see also Fowler,* 578 F.3d at 211. A complaint that does not demonstrate more than a "mere possibilityof misconduct" must be dismissed. *Gelman v. State Form Mut. Auto. Ins. Co.,* 583 F.3d 187, 190 (3d Cir. 2009) (quoting *Iqbal,* 556 U.S. at 679). Although Courts construe *pro se* pleadings less stringently than formal pleadings drafted by attorneys, pro *se* litigants are still required to "allege sufficient facts in their complaints to support a claim." *Mala v. Crown Bay Marina Inc.,* 704 F.3d 239, 245 (3d Cir. 2013) (citation omitted).

Rule 8 sets forth general rules of pleading, and requires (l) "a short and plain statement of the grounds for the court's jurisdiction," (2) "a short and plain statement of the claims showing that the pleader is entitled to relief," and (3) allegations that are "simple, concise, and direct."

III. DISCUSSION

The Court recognizes that it must liberally construe Plaintiff s submission because he is *pro se. See Dluhos v. Strasberg,* 321 F.3d 365, 373 (3d Cir. 2003) ("(W]e must liberally construe *pro se* litigant's pleadings, and we will apply the applicable law, irrespective of whether he has mentioned it by name."). Plaintiffs claims fall into three main categories: first, actions brought under criminal and tax statutes which do not create private rights of action or do not create private rights of action for people in Plaintiffs circumstances; second, discrimination claims under federal law which require

certain administrative steps prior to filing a civil action; and third, various other claims whose legal sufficiency the Court will not rule on at this time.

The claims under criminal and tax statutes which do not create a private right of action will be dismissed with prejudice. *See, e.g., Weeks v. Bowman,* Civ. No. 16-9050, 2017 WL 557332, at *2 (D.N,J. Feb. 10, 2017) (dismissing complaint based on criminal statutes for lack of a private cause of action). All other counts are dismissed without prejudice. If Plaintiff chooses to file an amended complaint, any claims he brings will still be subject to the Sua *sponte* Rule 12(b)(6) analysis described above.

A. CLAIM UNDER LAWS WHICH DO NOT CREATE PRIVATE RIGHTS OF ACTION FOR PLAINTIFF

Counts 7, 12, 13, 14, 15, 16, and 17 are all based on accusations of tax evasion and money laundering. (ECF No. 1 at §§ 313, 324-31.) Each is based on a subset of: 18 U.S.C. §§ 1952, 1956, 1957, 1960; 31 U.S.C. §§ 5322, 5324, 5332; and 26 U.S.C. §§ 7201, 7203, 7206, 7623(d). Criminal codes do not usually create private rights of action. *See, e.g., Weeks*, 2017 WL 557332 at *2 (dismissing complaint based on criminal statues for lack of a private cause of action). Further, each of the specific statutes Plaintiff cites has previously been found to lack an implied private right of action.

Plaintiff's claims under Title 18 of the United States Code related to racketeering, Money laundering, transactions involving criminally derived property, and unlicensed money transaction businesses. *See* 18 U.S.C. §§ 1952, 1956, 1957, and 1960. None of these provide a private right of action. *See Schwartz* v. *F.S. & O. Assocs.,*

Inc., Civ. No. 90-1606, 1991 WL 208056, at *3(S.D.N.Y. Sept. 27, 1991) ("[V]iolations of 18 U.S.C. §§ 1952, 1956 & 1957 do not create private rights of action"); *Barrett v. City of Allentown,* 152 F.R.D. 50, 56 (E.D. Pa. 1993) ("No civil actionhas been held to exist under either 18 U.S.C. § 1952 or 18 U.S.C. § 1956,"); *Monge* v. *Nevarz v. L Firm,* Civ, No. 20-1118, 2020 WL 6485041, at *1 (D,N.M. Nov. 4, 2020) (Finding no private cause of action under 18 U.S.C. §§ 1952, 1956, 1957, 1960 among others).

Likewise, there is no private cause of action under' any of 31 U.S.C. §§ 5322, 5324, or' 5332. *See Kraft* v. *Off. of the Controller of Currency,* Civ, No, 20-04111, 2021 WL 1251393, *4 (D.S.D. Apr. 5, 2021) ("Under 31 U.S.C. §§ 5321 and 5322, the United States is the only partyauthorized to seek civil or criminal penalties for any violation of the Bank Secrecy Act or accompanying regulation."); *Lundstedt* v. *Deutsche Bank Nat'1 Tr. Co.,* Civ. No. 13-001423, 2016 WL 3101999, at *5 (D. Conn. June 2, 2016) ("Bank Secrecy Act ... 31 U.S.C. §§ 5318(g) and 5322(a) ... does not, however, create a private right of action."); *Bertsch v. Discover fin. Serve.,* Cir. No. 218-00290, 2019 WL 1083773, at *4 (D. Nev. Mar. 6, 2019) (citing *Martinez* Colon v. *Santander Nat. Bank,* 4 F.Supp. 2d 53, 57 (D.P.R. 1998)) ("Nor does a private right of action of action arise from the specific provision of Title 31 cited in Plaintiffs Complaint, § 5324."); *Deramus* v. *Shapiro Schwartz, LLP,* Civ. No. 19-4683, 2020 WL 3493545, at *2 (S.D. Tex. June 2, 2020), *report and Recommendation adopted,* Civ. No. 19-4683, 2020 WL 3491960 (S.D. Tex. June 26, 2020) ("[Because] 31 U.S,C. §§ ... 5311-5332 ... do not display any indication of Congressional intent to create a private right and a private remedy, Plaintiffs claims for violation of these

statutes should be dismissed with prejudice under Rule 12(b)(6)").

Sections 7201, 7203, and 7206 of the Internal Revenue Code also do not grant a private right of action. Private civil actions for recovery of taxes are not permitted without special authorization from Executive Branch. 26 U.S,C. § 7401; *see Woermer v. Hirsh,* Civ, No. 18-01898, 2018 WL 7572237, at *4 (D. Conn. Dec. 11, 2018) ("This statute [26 U.S.C. § 7201] does not create a private right of action."); *Johnson v. Cullen,* 925 F. Supp. 244, 251 (D. Del. 1996) ("[T]here is no private right of action available to plaintiffs under ... 26 U.S.C. § 7206."); *Gonzalez v. Auto Finder s LLC,* Civ. No. 12-2571, 2012 WL 1813466, at *1 (E.D. Pa. May 15, '2012) (citing *Rumfelt* v. *Jazzie Pools,* 1i7C., Civ. No. 11—217, 2011 WL 2144553, at *5 (E.D,Va. May 31, 201 l)) (finding no private right of action under § 7206); *Small v. Mortg. Elec. Registration Sys. Inc.,* Cir. No. 09-0458, 2010 WL 3719314, at *9 (E.D. Cal. Sept. 16, 2010) (finding no private right of action under §§ 7203, 7206)).

Unlike the other tax statutes named in the complaint, 26 U.S.C. § 7623 does provide a private right of action, but only by an employee in response to employer retaliation against whistleblowers.. 26 U.S.C. §7623(d) (allowing employees who face retaliation for providing information to the government concerning their employers tax misconduct to first file a complaint with the Secretary of Labor and then to pursue a civil action if the Secretary does not issue a final decision in 180 days; completely silent on non-employees). Because Plaintiff does not allege that he has ever been retaliated against by any of the defendants for acting as a whistleblower or

thathe has contacted the Secretary, he also has no right of action under§7623.

Plaintiff additionally references the New Jersey and New York Money Laundering Acts, but fails to allege any facts to support a cause of action under these Acts. As such, Plaintiffs Claims under the New Jersey and New York Money Laundering Acts will be dismissed without prejudice.

B. FEDERAL DISCRIMINATION CLAIMS FOR WHICH ADMINISTRATIVE RELIEF HAS NOT BEEN EXHAUSTED

Plaintiff seeks relief in Counts 1, 2, 3, 4, 5, 6, and 7 for discrimination on the bases of age, disability status, and citizenship status. (ECF No. 1 at ¶¶301-15.) In particular, Plaintiff seeks recovery under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Genetic Information Nondiscrimination Act, and the Immigration and Nationality Act. (*Id.*) Plaintiff has filed a previous complaint against Defendants through the Equal Opportunity Employment Commission and the Occupational Health and Safety Administration, but Plaintiff has not alleged that these proceedings have concluded or that lie has received a right to sue letter.*(Id.* at ¶¶134-37.) Plaintiff's complaint is deficient in that it fails to explain the status of his various administrative claims.

Prior to filing a lawsuit under Title VII, a plaintiff must first exhaust his or her administrative remedies. *Love* v. *Pullman Co.,* 404 U.S. 522, 523 (1972); *see also Anjelino v. New York Times Co.,* 200 F.3d 73, 87 (3d Cir 1999) (failure to exhaust administrative remedies

under Title VII is generally required and is analyzed under Rule 12(b)(6)); *Santiago v. City of Vineland,,* 107 P,Supp. 2d 512, 528 (D.N.J. 2000) ("Before instituting an action under Title VII, a plaintiff must timely file his claim with the EEOC and obtain a right to sue letter front the agency."). The American with Disabilities Act (ADA) and the Genetic Information Nondiscrimination Act (GINA) have the same EEOC exhaustion requirement as Title VII, *See* 42 U.S.C. § 12117(a); 42 U.S.C § 2000ff-6(a); *Itiowe* v . *NBC Universal Inc.*, 556 Fed. Appx. 126, 128 (3d Cir. 2014) (finding that the ADA requires plaintiffs to pursue administrative remedies before bringing a claim in federal court); *Williams v. City of Chicago,* 616 F, Supp. 3d 808, 813 (N.D. 111. 2022) ("Before filing an ADA or GINA claim, a plaintiff must file a charge with the EEOC within 300 days of the date of the alleged discriminatory act and receive a 'notice of right to sue' letter.").

The Age Discrimination in Employment Act (ADEA) also requires certain administrative steps. 29 U.S.C. § 626(d) (filing with the EEOC is a prerequisite to civil action); *Slingland v. Donahoe,* 542 Fed. Appx. 189, 191 (3rd Cir. 2013) ("The ADEA [like title VII] requires a plaintiff to exhaust all available remedies when she elects to proceed administratively... Failure to exhaust administrative remedies is an affirmative defense ... [and] it is grounds for dismissal on a Rule 12(b)(6) motion."). Unlike under Title VII, a plaintiff can sue under the ADEA without first obtaining a right to sue letter from the EEOC. 29 U.S.C. § 626(c)(1). Plaintiffs allegations surrounding his ADEA claim are deficient, though, as the Complaint does not elaborate on the factual basis of the ADEA claims with specificity as required by Rule 8.

Plaintiff also claims to have been discriminated

against on the basis of citizenship, and sues under the Immigration and Nationality Act (INA). (ECF No. 1 at ¶¶ 307-14, 321.) Before commencing a private action under the INA, the charge should first be sent to the office of special counsel for immigration-related unfair employment practices. 8 U.S.C. § 1324b(d)(2); *see, e.g., Mayers v. Washington Adventist Hosp.*, 131 F. Supp. 2d 743, 746—47 (D. Md.), *aff'd* , 22 F. App'x 158 (4tli Cir, 2001) ("[T]he IRCA requires a claimant to file a charge with the Office of Special Counsel for Immigration—Related Unfair Employment Practices before [pursuing] a private action against the employer."). However', Plaintiff does not allege any facts about whether he sent a charge to the Office of Special Counsel prior to filing this lawsuit. As a result, Plaintiff's claims under the INA is dismissed without prejudice because Plaintiff does not specify whether he has brought his claim before the Office of Special Counsel.

C. OTHER CLAIMS

Plaintiff makes a variety of other claims, including "Harassment," "Fraud," "Bait and Switch," "Conducting Fake Interview," "Unjust Enrichment", and "Disobeying Court Order." (ECF No. 1 at ¶¶318-23, 332-37.) The Complaint's failure to provide a detailed factual basis for each claim renders it deficient under Rule 8 and Rule 94 . Additionally, the Complaint fails to

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[4] In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally." Fed. R. Civ. P. 9(b). This heightened pleading standard for allegations of fraud requires a plaintiff to be specific about which actions by the defendant constitute the fraud, the individuals involved, the

provide a specific legal basis for each claim — it is not clear, for example, why Defendant Wipro's saying a "bad word" about Plaintiffs earlier family court order would constitute "Dishonoring Court Order" or entitle Plaintiff to relief. {*Id.* at ¶ 337.) Similarly, Plaintiff references New York Human Rights Law (NYHRL) or New York City Human Rights Law (NYCHRL), (*Id.* at 5, 6), but fails to provide information about why these laws should apply to a Pennsylvania citizen suingin a New Jersey court for activities which took place in New Jersey. *See, e.g., Grandalski v. Quest Diagnostics Inc.*, 767 F.3d 175, 180 (3id Cir. 2014) (noting that a New Jersey court first determines whether a conflict exists between the laws of potentially relevant states, and if there is an actual conflict, applies the law of the State that has the most significant relationship to the case and parties),

Finally, Plaintiff seeks relief against the Prime Minister of the United Kingdom Rishi Sunak, and asks the Court to order that Prime Minister Sunak be barred from participating in any government worldwide. {*Id.* at 41.) The complaint does not provide any reasoning for this request or The Prime Minister Sunak as a defendant or a legal basis for his request. As such, any potential claim against Prime Minister Sunak is dismissed walkout prejudice.

IV. CONCLUSION

For the reasons set forth above, Plaintiff s application to proceed in forma pauperis DENIED **WITHOUT PREJUDICE.** Plaintiffs Complaint is

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location, and the timing. *See GSC Partners CDO Fund v. Washington*, 368 F.3d 228, 239 (3d Cir 2004) (noting that Rule 9(b) requires "the first paragraph of any newspaper story—that is, the who, what, when, where and how of the events at issue")

DISMISSED **WITH** PREJUDICE with respect to actions brought under 18 U,S.C, §§ 1952, 1956, 1957, 1960; 31 U.S.C. §§ 5322, 5324, 5332; and 26 U.S.C. §§ 7201, 7203, 7206, and DISMISSED **WITHOUT PREJUDICE** with respect to his remaining claims. An appropriate Order will follow.

Date: July31, 2023

/s/ Georgette Castner
Georgette Castner
United States Dist Judge

4. APPENDIX-D: DIST. COURT (SUA SPONTE) ORDER OF DISMISS THE COMPLAINT (07/31/23)

Not For Publication

UNITED STATES DISTRICT COURT

District of **NEW JERSEY**

PALANI Karupaiyan, PP, RP, *Plaintiff*,

V.

WIPRO LIMITED, THIERY DELAPORTE, ABIDALI NEEMUCHWALA, T,K. KURIEN, AZIM HASHIN PREMJI, WIPRO ENTERPRISE LTD, IDC TECHNOLOGIES, and PRATEEK GATTANI, *Defendants*.

Case No. 3:23-2005 (GC) (TJB)

ORDER

CASTNER, District Judge

Plaintiff is a resident of Philadelphia, Pennsylvania, proceeding *pro se* against Wipro Limited, IDC Technologies, and various officers and ex-officers of these companies. *[See* ECF No, 1 at 1, ¶¶ 5-18, ¶¶ 28-36,) On April 9, 2023, Plaintiff filed an application to proceed in *forma pauperis* (IFP), (ECF No, 1-2.)

For the reasons set forth in the accompanying Memorandum Opinion from this same date, and for other good cause shown,

IT IS on this 31 day of July, 2023,

ORDERED that Plaintiffs application to proceed in *forma pauperis* (ECF No. 1-2) is **DENIED** without prejudice; it is further'

ORDERED that the Clerk shall administratively terminate this case; Plaintiff is informed that administrative termination is not a "dismissal" for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar provided the original complaint was timely; it is further

ORDERED that Plaintiff may have the above-entitled case reopened, if, within thin (30) days of the date of the entry of this Order, Plaintiff either pre-pays the $402 filing fee ($350 filing fee plus $52 administrative fee) or submits to the Clerk a proper and complete *in forma pauperis* application; it is further

ORDERED that upon receipt of a writing from Plaintiff stating that he wishes to reopen this case and files a proper complete *in forma pauperis* application or filing fee within the time allotted by this Court, the Clerk will be directed to reopen this case; it is further

ORDERED that the Plaintiff is given leave to file an amended complaint to the extentPlaintiff can cure the deficiencies set forth in the accompanying Memorandum Opinion within thirty (30) days of the entry of this Order if Plaintiff has the above-entitled case reopened as specified above; and it is further

ORDERED that the Clerk shall serve on Plaintiff by regular U.S. mail: (1) the Memorandum Opinion and Order; and (2) a blank form application to proceed *in forma pauperis.*

/s/ Georgette Castner
Georgette Castner
United States District Judge