

24-7444

ORIGINAL

In the Supreme Court of the United States

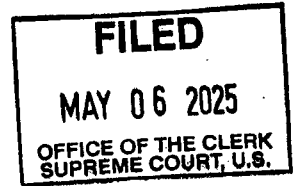
Jameel Ibrahim,

Petitioner,

v.

The United States of America,

Respondent.



On Petition for a Writ of Certiorari

U.S. Court of Appeals for the Third Circuit

Case No.: 25-1121

U.S. District Court Case No.: 24-cv-10135

No. _____

Supreme Court of the United States

Jameel Ibrahim,
Petitioner,

v.

The United States of America,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit

[Page 1]

QUESTION PRESENTED

Whether the Third Circuit erred in dismissing Petitioner's appeal for lack of jurisdiction under 28 U.S.C. § 1291—without remanding to the district court—where the dismissal was based on the absence of a final order, despite Petitioner's argument that his case involved an appealable interlocutory issue or required further proceedings below.

PARTIES TO THE PROCEEDING

The parties below were:

- Petitioner (Appellant): Jameel Ibrahim
- Respondent (Appellee): United States of America
- No other parties were involved in the proceedings below.

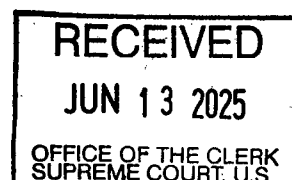


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TABLE OF AUTHORITIES

CASES:

Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949)	5
Johnson v. Jones, 515 U.S. 304 (1995)	5
Mohawk Industries, Inc. v. Carpenter, 558 U.S. 100 (2009)	5
Swint v. Chambers County Commission, 514 U.S. 35 (1995)	5

STATUTES:

28 U.S.C. § 1291	3, 4, 5
28 U.S.C. § 1254(1)	3
U.S. Const. amend. V	3

OTHER AUTHORITIES:

ABA Standards for Criminal Justice: Appellate Review	5
Wright & Miller, Federal Practice and Procedure § 3914	5

OPINIONS BELOW

The opinion of the U.S. District Court for the District of New Jersey (No. 24-cv-10135) is unreported but appears in the Appendix at App. 1. The order of the U.S. Court of Appeals for the Third Circuit (No. 25-1121) is unreported but appears in the Appendix at App. [].

JURISDICTION

The judgment of the U.S. Court of Appeals for the Third Circuit was entered on April 18, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following provisions are relevant to this petition:

1. 28 U.S.C. § 1291 (final judgment rule)
2. 28 U.S.C. § 1254(1) (Supreme Court review)
3. U.S. Constitution, Amendment V (Due Process Clause)

STATEMENT OF THE CASE

1. On January 27, 2025, the U.S. District Court for the District of New Jersey issued an order in Petitioner's case (No. 24-cv-10135).
2. Petitioner filed an interlocutory appeal challenging the district court's treatment of veteran benefits in forma pauperis eligibility determinations. The Third Circuit granted in forma pauperis status on February 5, 2025.
3. On April 18, 2025, the Third Circuit dismissed the appeal for lack of jurisdiction, finding no final order under 28 U.S.C. § 1291, without remanding the case.

REASONS FOR GRANTING THE WRIT

I. The Third Circuit's dismissal without remand conflicts with this Court's precedent in *Swint v. Chambers County Commission*, 514 U.S. 35 (1995), which requires courts to permit jurisdictional defects to be cured.

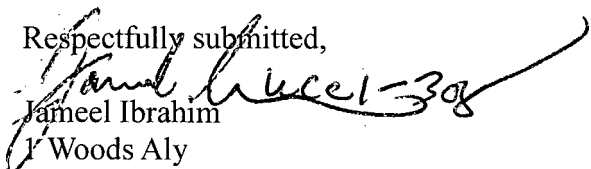
II. The decision creates a circuit split, as other circuits routinely remand similar cases under the collateral order doctrine established in *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949).

III. The ruling has broad implications for pro se litigants' access to justice, implicating fundamental due process concerns under the Fifth Amendment.

CONCLUSION

For these reasons, Petitioner respectfully requests that the Court grant the writ of certiorari.

Respectfully submitted,


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Date: June 10, 2025

APPENDIX

1. U.S. District Court Order (Jan. 27, 2025) App. 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAMEEL IBRAHIM,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

No. 24-cv-10135 (MEF) (LDW)

ORDER

The Plaintiff seeks to bring this action in forma pauperis under 28 U.S.C. § 1915. A party applying to proceed in forma pauperis "need not be absolutely destitute," but "must establish that he is unable to pay the costs of his suit." Hurst v. Shalk, 659 F. App'x 133, 134 (3d Cir. 2016) (quoting Walker v. People Exp. Airlines, Inc., 886 F.2d 598, 601 (3d Cir. 1989)). It is the applicant's burden to meet the relevant standard.

The Plaintiff indicates that his monthly income is \$2,202.28 in service-connected disability compensation from the Department of Veterans Affairs. See Dep't of Veterans Affs. Letter (Jan. 3, 2024). He lists several monthly expenses, such as his utilities, but does not provide the amount he pays for any of them.

The Plaintiff also states that he owns a vehicle and that he owes "2000K DEBT IN CREDIT CARD (ALLEGE)." Application at 2.

Based on this, it is difficult to fully assess whether the Plaintiff meets his burden to establish that he is unable to pay the costs of his suit. See Hurst, 659 F. App'x at 134.

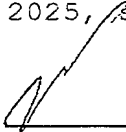
In light of the above, the Court directs the Plaintiff to refile his Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form) on or before March 1, 2025. He shall include additional, specific information about his monthly expenses and assets. The Court will then move forward with evaluating the application.

Alternatively, the Plaintiff may pay the various court fees required of civil litigants who are not proceeding in forma

pauperis.

The Clerk of Court is directed to mail a copy of this order to the Plaintiff by regular mail.

IT IS on this 27th day of January, 2025, so ORDERED.



Michael E. Farbiarz, U.S.D.J.