

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MEHBOOB G., :
Plaintiff, :
 :
v. : C.A. No. 20-330JJM
 :
SOCIAL SECURITY :
ADMINISTRATION, :
Defendant. :

REPORT AND RECOMMENDATION

PATRICIA A. SULLIVAN, United States Magistrate Judge.

Before the Court is Plaintiff Mehboob G.’s application to proceed without prepayment of fees. ECF No. 3. Based on the averments in Plaintiff’s financial affidavit that he has income from self-employment, owns a significant interest in a hotel and receives financial support from his son, the Court had reservations about Plaintiff’s assertion of indigency.¹ I issued an order on August 4, 2020, directing Plaintiff to supplement his financial affidavit with additional information. ECF No. 4. Specifically, the order instructed Plaintiff to provide the following: the approximate fair market value of property owned (including the hotel) and any revenues (with offsetting expenses) derived from any of the property (such as the hotel); the balance due on any financial obligations associated with any such property, including any mortgage; the monthly expense associated with any such obligation and what person or entity is responsible to pay the expense; and the fair market value of any other assets (such as vehicles or a residence) Plaintiff owns or uses freely as a member of the household. Id. at 2. Plaintiff was also ordered to provide more detail regarding his monthly expenses for housing, transportation, utilities and loan

¹ While the application also lists expenses and debts that may offset the income and assets, it did not clarify whether the hotel has revenues and whether the listed obligations impact Plaintiff’s ability to pay the filing fee.

payments, including the degree to which these are paid by his son, if they are in the same household. Id. The order placed Plaintiff on notice that if a supplement financial affidavit were not received, the Court would recommend that his motion be denied. Id. Plaintiff was also advised of the option of paying the filing fee. Id. at 3. The deadline for supplementing the financial affidavit or, alternatively, paying the \$400 filing fee was August 25, 2020.

Nothing was filed in response to the Court's August 4 order; one week has now passed since the deadline of August 25, 2020, and, as of this writing, Plaintiff has not supplemented his motion as directed. Based on the foregoing, I recommend that Plaintiff's application to proceed without prepayment of fees and affidavit (ECF No. 3) be DENIED and that Plaintiff be directed to pay the filing fee within thirty days of the adoption of this recommendation. If Plaintiff does not pay the filing fee, I recommend that the case be dismissed.

Any objection to this report and recommendation must be specific and must be served and filed with the Clerk of the Court within fourteen (14) days after its receipt. See Fed. R. Civ. P. 72(b)(2); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision. See United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
September 1, 2020