

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

SOPHIA MELISARATOS	:	
	:	
v.	:	C.A. No. 23-00073-WES
	:	
RHODE ISLAND DEPARTMENT OF	:	
EDUCATION, et al.	:	

MEMORANDUM AND ORDER

On February 17, 2023, Sophia Melisaratos, the parent and guardian of the minor Plaintiff, filed her Complaint against the Rhode Island Department of Education, the Town of Barrington, and over twenty other entities and individuals. (ECF No. 1). At the same time, Plaintiff filed an Application to Proceed Without Prepayment of Fees (including the \$402.00 civil case filing fee), i.e., in forma pauperis (“IFP”), pursuant to 28 U.S.C. § 1915. (ECF No. 2). The Application has been referred to me for determination. 28 U.S.C. § 636(b)(1)(A); LR Cv 72.

The Application, which is signed under penalty of perjury, contains several incomplete answers. In Question 2 of the Application, Ms. Melisaratos indicates she is currently employed by “Anthem BCBS” with a take-home salary of \$4,000.00, but she did not provide the employers’ address or the pay period, i.e., how frequently she is paid, as required by Question 2. Next, Plaintiff failed to respond to Question 4, which requires that she “[l]ist anyone who helps support you or shares support in any way...” or else write “NO ONE.” In response to Question 6, Ms. Melisaratos indicates that she owns her home at 11 Sherbrooke Road in Barrington, Rhode Island. A search of public real estate records indicates she purchased the home in 2016 for \$260,000.00 and that it is currently assessed at \$303,000.00. She did not list any other items of value, such as stocks, bonds, securities, financial instruments, or vehicles. Plaintiff must fully and accurately report the value of all assets including her home. Question 7 inquires as to “regular monthly expenses,” and Ms.

Melisaratos writes “\$4,000” but provides no description of the expenses, as she is required to do. Additionally, while she indicates in Question 8 that she owes a debt for a student loan of \$30,000.00, she does not indicate to whom it is payable, as required. She also indicates debts of \$10,000.00 for credit cards, \$1,900.00 for a mortgage loan and electric/gas/phone expenses of \$1,000.00 per month. She has two minor children.

In order to find a plaintiff eligible for IFP status, the Court must find that he or she is “unable” to pay the applicable filing fee. Because of the ambiguity as to her ability to pay the filing fee caused by Plaintiff’s incomplete responses, the Court is unable to make an IFP determination on this record. The Court requires more detail as to Plaintiff’s household’s monthly income and expenses, as well as more detailed information regarding available equity in her residence and any other assets of value, including automobiles.

This Court cannot determine whether Ms. Melisaratos qualifies to have her IFP Application granted in this case until she clarifies each of the incomplete answers outlined above. If Ms. Melisaratos elects to continue to pursue her IFP Application, she is ordered to file a sworn supplemental Application by April 9, 2023 that provides full and complete answers and addresses the deficiencies identified herein. Failure to do so by April 9, 2023 will result in denial of the pending Application and dismissal of this case without prejudice. Alternatively, Ms. Melisaratos may elect to pay the required \$402.00 filing fee.

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
March 9, 2023