

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Maria Isabel Alonso v. Appsketiers Inc., et al.

Alonso · No. 25-16751 (JXN) (JSA) · Decided December 4, 2025

SUMMARY

The United States District Court for the District of New Jersey denied Maria Isabel Alonso’s application to proceed in forma pauperis, concluding that she could pay the filing fee without being deprived of life’s necessities. The court administratively terminated the matter without filing the complaint and administratively terminated the defendants’ motion to dismiss. The order permitted the plaintiff to pay the filing fee by January 5, 2026, in which event the matter would be reopened.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Julien Xavier Neals
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 4, 2025
DOCKET	25-16751 (JXN) (JSA)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a complaint and an application to proceed in forma pauperis. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). The court denied the IFP application, administratively terminated the matter without filing or considering the complaint, and administratively terminated the motion to dismiss.
STANDARD OF REVIEW	The decision whether to grant or deny leave to proceed in forma pauperis is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Unknown; memorandum order from a federal district court with no reporter citation.
PARTIES	Maria Isabel Alonso v. Appsketiers Inc., Jeremy Davenport, Sean Cook, Nick Bugara, The Tea App, Spill the Tea Inc.

TOPICS

- motions to dismiss
- civil procedure

PRACTICE AREAS

civil procedure

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Plaintiff established eligibility to proceed in forma pauperis under 28 U.S.C. § 1915.
2. What procedural consequence should follow from denying the IFP application before the complaint was filed.
3. Whether Defendants' motion to dismiss should remain pending after administrative termination of the action.

HOLDINGS

1. Plaintiff failed to meet her burden of demonstrating that she was unable to pay the \$405 filing fee without being deprived of the necessities of life; therefore, the IFP application was denied.
2. When the IFP application was denied, the complaint would not be filed or considered unless Plaintiff paid the filing fee; the matter was therefore administratively terminated rather than dismissed.
3. Defendants' Rule 12(b)(6) motion was administratively terminated because the complaint was not filed or considered while Plaintiff had not paid the filing fee.

KEY QUOTATIONS

“The in forma pauperis statute, 28 U.S.C. § 1915, ‘is designed to ensure that indigent litigants have meaningful access to the federal courts.’”

“As a result, Plaintiff’s Complaint will not be filed or considered by the Court until Plaintiff pays the filing fee.”

“Plaintiff is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations”

FACTUAL BACKGROUND

Plaintiff reported monthly income of \$2,200 and monthly expenses of \$800 in her IFP application. She also stated that she could pay the filing fee later if the fee were waived temporarily. Based on this financial information, the court concluded that Plaintiff could pay the \$405 filing fee without being deprived of the necessities of life.

PROCEDURAL HISTORY

The action was initiated in the District of New Jersey with Plaintiff's complaint and IFP application. While Defendants' Rule 12(b)(6) motion was pending, the court determined that Plaintiff had not established eligibility for IFP status because her reported income and expenses indicated that she could pay the filing fee. The court therefore directed administrative termination without filing the complaint, while allowing Plaintiff to pay the fee and reopen the matter by January 5, 2026.

DISPOSITION

other

CASES CITED

- Deutsch v. United States, 67 F.3d 1080, 1084 (3d Cir. 1995)
- Neitzke v. Williams, 490 U.S. 319, 324, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1989)
- Cotto v. Tennis, 369 F. App'x 321, 322 (3d Cir. 2010)
- Pew v. Extraction Team Members, Civ. No. 16-91, 2016 WL 2958767, at *1 (W.D. Pa. Apr. 25, 2016)
- Pew v. Extraction Team Members, 2016 WL 2977303 (W.D. Pa. May 20, 2016)
- Shahin v. Secretary of Delaware, 532 F. App'x 123, 124 (3d Cir. 2013)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Roberts v. Township of Horsham, Civ. No. 94-1821, 1994 WL 384934, at *1 (E.D. Pa. July 19, 1994)
- Dasilva v. Sheriff's Department, 413 F. App'x 498, 502 (3d Cir. 2011)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY MARIA ISABEL ALONSO, Plaintiff, Civil Action No. 25-16751 (JXN) (JSA) v. MEMORANDUM ORDER APPSKETIERS INC., et al., Defendants. NEALS, District Judge Before the Court is pro se Plaintiff Maria Isabel Alonso's ("Plaintiff") application to proceed in forma pauperis ("IFP Application") (ECF No. 1-3) and Complaint against Defendants Appsketiers Inc., Jeremy Davenport, Sean Cook, Nick Bugara, The Tea App, and Spill the Tea Inc. (collectively "Defendants") (ECF No. 1.)

Additionally, before the Court is Defendants' motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 3.) For the reasons stated herein, the Court will DENY Plaintiff's IFP Application and Defendant's motion to dismiss, and this matter will be ADMINISTRATIVELY TERMINATED. "The in forma pauperis statute, 28 U.S.C. § 1915, 'is designed to ensure that indigent litigants have meaningful access to the federal courts.'" Deutsch v. United States, 67 F.3d 1080, 1084 (3d Cir.

1995) (quoting Neitzke v. Williams, 490 U.S. 319, 324, 109 S.Ct. 1827, 104 L.Ed.2d 338 (1989)). Whether to grant or deny an application to proceed in forma pauperis is committed to the discretion of the District Court. See, e.g., Cotto v. Tennis, 369 F. App'x 321, 322 (3d Cir. 2010) (the Court of Appeals "review[s] the denial of leave to proceed IFP for abuse of discretion.").

It is the plaintiff's burden to prove his indigency in order to establish his eligibility to proceed in forma pauperis. See Pew v. Extraction Team Members, Civ. No. 16-91, 2016 WL 2958767, at *1 (W.D. Pa. Apr. 25, 2016), report and recommendation adopted, 2016 WL 2977303 (W.D. Pa. May 20, 2016) ("It is a plaintiff's burden to prove entitlement to IFP status... by a preponderance of the

evidence.”). “In determining whether a litigant is eligible for IFP status, the Court should consider the financial position of the party.”

Shahin v. Sec'y of Delaware, 532 F. App'x 123 (3d Cir. 2013). While the plaintiff does not need to prove that he is “absolutely destitute” to be eligible for the benefits of the in forma pauperis statute, *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948), courts typically deny the IFP applications if paying the filing fees would not deprive the plaintiff of the “necessities of life.” See, e.g., *Shahin*, 532 F. App'x at 124 (finding that a showing of a minimal monthly income was sufficient to deny the plaintiff the privilege to proceed in forma pauperis because plaintiff's husband provided her with food, clothing, shelter, and other “necessities of life.”); *Roberts v. Twp. of Horsham*, Civ.

No. 94-1821, 1994 WL 384934, at *1 (E.D. Pa. July 19, 1994) (denying plaintiff's application to proceed in forma pauperis because plaintiff listed real estate valued at \$130,000 as an asset even though she reportedly had no income).

After reviewing Plaintiff's IFP Application, the Court finds that Plaintiff has not met her burden to show entitlement to the in forma pauperis status. Plaintiff's IFP Application indicates that she has a monthly income of \$2,200. (ECF No. 1-3 at 1.) Plaintiff provides that her total monthly expenses total \$800. (Id. at 4.) Additionally, Plaintiff states that “if [her] fee can be waived for now[, she] can pay later.” (Id. at 5.)

Given the information provided, the Court concludes that Plaintiff has the ability to pay the \$405.00 filing fee without being deprived of the “necessities of life.” *Shahin*, 532 F. App'x at 124. As a result, Plaintiff's Complaint will not be filed or considered by the Court until Plaintiff pays the filing fee.

Accordingly, IT IS, on this 4th day of December 2025, ORDERED that Plaintiff's IFP application (ECF No. 1-3) is DENIED; it is further ORDERED that the Clerk of the Court shall ADMINISTRATIVELY TERMINATE this matter without filing the Complaint; 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 if it was originally timely, see *Dasilva v. Sheriff's Dep't.*, 413 F. App'x 498, 502 (3d Cir.

2011); it is further ORDERED that the Clerk of the Court shall ADMINISTRATIVELY TERMINATE Defendants' motion to dismiss (ECF No. 3); it is further ORDERED that by no later than Monday, January 5, 2026, Plaintiff may submit the \$405 filing fee, and the Clerk of Court will reopen the matter without further action from the Court; it is further ORDERED that the Clerk of the Court serve a copy of this Memorandum Order upon Plaintiff by regular U.S. mail.

JULIEN XAVIER NEALS United States District Judge

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