

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Dr. Mohamed Abdelmoneim Abdelrahman Eltayeb v. U.S.
Citizenship and Immigration Services (USCIS), et al.

No. 25-CV-9786 (LTS), United States District Court for the Southern District of New York (November 25, 2025)

SUMMARY

The U.S. District Court for the Southern District of New York directs the pro se plaintiff to pay the required filing and administrative fees or submit an application to proceed in forma pauperis within 30 days. The order states that failure to comply will result in dismissal without prejudice and that no summons will issue at that time.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Laura Taylor Swain, Chief United States District Judge
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	November 25, 2025
DOCKET	25-CV-9786 (LTS)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff initiated an action seeking emergency relief but submitted the complaint without the required filing fee or an application to proceed in forma pauperis. The court issued an order directing plaintiff to pay the fee or submit an IFP application.
PRECEDENTIAL VALUE	unknown
PARTIES	Dr. Mohamed Abdelmoneim Abdelrahman Eltayeb v. U.S. Citizenship and Immigration Services (USCIS), et al.

TOPICS

- civil procedure
- mandamus immigration
- immigration
- administrative law

PRACTICE AREAS

- civil procedure
- immigration
- administrative law

QUESTIONS PRESENTED

1. Whether a plaintiff who files a civil action without paying the required fees must either pay the fees or submit an application to proceed in forma pauperis.
2. Whether summons should issue before plaintiff satisfies the filing-fee or IFP requirement.
3. Whether in forma pauperis status should be denied for purposes of an appeal from the fee order.

HOLDINGS

1. To proceed with the civil action, plaintiff must either pay \$405.00 in filing and administrative fees or submit a signed application to proceed in forma pauperis within 30 days of the order.
2. No summons shall issue at this time; the action will be processed under the Clerk's Office procedures if plaintiff complies with the order.
3. The court certified under 28 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith and denied IFP status for purposes of an appeal.

KEY QUOTATIONS

“Within 30 days of the date of this order, Plaintiff must either pay the \$405.00 in fees or submit the attached IFP application.”

“If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed without prejudice.”

FACTUAL BACKGROUND

Dr. Mohamed Abdelmoneim Abdelrahman Eltayeb, proceeding pro se, brought an action seeking emergency relief. He submitted the complaint without paying the required fees and without an application to proceed in forma pauperis. The court therefore required him to pay \$405.00 or submit a signed IFP application within 30 days.

PROCEDURAL HISTORY

Plaintiff filed a civil action in the Southern District of New York without paying the filing and administrative fees and without submitting an IFP application. The court allowed 30 days to cure the deficiency and directed that no summons issue in the meantime.

DISPOSITION

other

CASES CITED

- *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK DR. MOHAMED ABDELMONEIM ABDELRAHMAN ELTAYEB, Plaintiff, 25-CV-9786 (LTS) - against- ORDER DIRECTING PAYMENT OF FEE OR IFP APPLICATION U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS), ET AL. Defendants. LAURA TAYLOR SWAIN, Chief United States District Judge: Plaintiff, who is appearing pro se, brings this action seeking emergency relief.

To proceed with a civil action in this Court, a plaintiff must either (1) pay \$405.00 in fees—a \$350.00 filing fee plus a \$55.00 administrative fee, or (2) request authorization to proceed in forma pauperis (IFP), that is, without prepayment of fees, by submitting a signed IFP application. See 28 U.S.C. §§ 1914, 1915. Plaintiff submitted the complaint without the filing fees or an IFP application.

Within 30 days of the date of this order, Plaintiff must either pay the \$405.00 in fees or submit the attached IFP application. If Plaintiff submits the IFP application, it should be labeled with docket number 25-CV-9786 (LTS). If the Court grants the IFP application, Plaintiff will be permitted to proceed without prepayment of fees. See 28 U.S.C. § 1915(a)(1).

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed without prejudice.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue). SO ORDERED. Dated: November 25, 2025 New York, New York /s/ Laura Taylor Swain LAURA TAYLOR SWAIN Chief United States District Judge