

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Azar S. v. Social Security Administration

Azar S. · No. 24-cv-13217 · Decided January 22, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan certifies that Plaintiff’s appeal would not be taken in good faith and denies her application to proceed in forma pauperis on appeal. The court relies on Plaintiff’s failure to object to the magistrate judge’s Report and Recommendation, which waived her right to appeal.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Linda V. Parker
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	January 22, 2026
DOCKET	24-cv-13217
DISPOSITION	other
PROCEDURAL POSTURE	After the district court adopted a magistrate judge's recommendation granting the Social Security Administration's motion to dismiss, Plaintiff filed a notice of appeal and moved to proceed in forma pauperis on appeal. The district court certified that the appeal was not taken in good faith and denied the application.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(a)(3), the district court determines whether an appeal is taken in good faith; an appeal is taken in good faith if it raises any issue that is not frivolous.
PRECEDENTIAL VALUE	District court opinion; precedential status not stated
PARTIES	Azar S. v. Social Security Administration

TOPICS

- appellate procedure
- waiver
- civil procedure
- motions to dismiss

PRACTICE AREAS

civil procedure

appellate procedure

administrative law

employment law

QUESTIONS PRESENTED

1. Whether Plaintiff's appeal was taken in good faith under 28 U.S.C. § 1915(a)(3).
2. Whether Plaintiff should be permitted to proceed in forma pauperis on appeal despite failing to object to the magistrate judge's report and recommendation after being warned that nonobjection would waive appellate rights.

HOLDINGS

1. Plaintiff's appeal was not taken in good faith because she failed to object to the magistrate judge's report and recommendation after being warned that failure to object would waive her right to appeal.
2. Plaintiff's application to proceed in forma pauperis on appeal was denied.

KEY QUOTATIONS

"An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."

"An appeal is taken in good faith if it raises "any issue not frivolous.""

FACTUAL BACKGROUND

Plaintiff brought claims against the Social Security Administration for employment discrimination and wrongful denial of Social Security disability benefits. After Defendant moved to dismiss, the magistrate judge recommended dismissal and warned Plaintiff that failing to object would waive the right to appeal. Plaintiff did not object, but later filed a notice of appeal and an application to proceed in forma pauperis.

PROCEDURAL HISTORY

Plaintiff sued the Social Security Administration alleging employment discrimination and wrongful denial of her application for Social Security disability benefits. Magistrate Judge Elizabeth Stafford recommended granting Defendant's motion to dismiss and warned that failure to object would waive further appellate rights. Plaintiff filed no objections, and the district court adopted the recommendation on January 16, 2026. Plaintiff then appealed and sought leave to proceed in forma pauperis on appeal.

DISPOSITION

other

CASES CITED

- *Coppedge v. United States*, 369 U.S. 438, 445 (1982)
- *Thomas v. Arn*, 474 U.S. 140, 153-54 (1985)

- Ogbonna-McGruder v. Austin Peay State Univ., 91 F.4th 833 (6th Cir. 2024)

OPINION

+UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION AZAR S. Plaintiff, Case No. 24-cv-13217 v. Honorable Linda V. Parker SOCIAL SECURITY ADMINISTRATION, Defendant. _____/ OPINION AND ORDER CERTIFYING THAT PLAINTIFF'S APPEAL WOULD NOT BE IN GOOD FAITH AND DENYING MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL Plaintiff filed this lawsuit against Defendant alleging employment discrimination and wrongful denial of her application for social security disability benefits.

(ECF No. 1.) Defendant thereafter filed a motion to dismiss (ECF No. 8), which Magistrate Judge Elizabeth Stafford recommended should be granted in a Report and Recommendation ("R&R") issued on December 18, 2025 (ECF No. 24.) At the conclusion of the R&R, Magistrate Judge Stafford advised the parties of their right to file objections and expressly warned that the failure to timely object would result in the waiver of any further right to appeal.

No objections were filed, and, on January 16, 2026, this Court issued a decision adopting Magistrate Judge Stafford's recommendations. (ECF No. 25.) Plaintiff has filed a notice of appeal and an application to proceed in forma pauperis on appeal pursuant to 28 U.S.C. § 1915. (ECF Nos. 27, 28.) Pursuant to § 1915, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3).

An appeal is taken in good faith if it raises "any issue not frivolous." *Coppedge v. United States*, 369 U.S. 438, 445 (1982). Plaintiff's appeal is not taken in good faith. This is because Plaintiff failed to object to Magistrate Judge Stafford's R&R. She was warned of the consequences of failing to do so. Specifically, the failure to object waives the right to appeal.

See *Thomas v. Arn*, 474 U.S. 140, 153-54 (1985); see also *Ogbonna- McGruder v. Austin Peay State Univ.*, 91 F.4th 833, (6th Cir. 2024). Thus, this Court certifies that Plaintiff's appeal is not taken in good faith and denies her application to proceed on appeal IFP. SO ORDERED. s/ Linda V. Parker LINDA V. PARKER U.S. DISTRICT JUDGE Dated: January 22, 2026 I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 22, 2026, by electronic and/or U.S. First Class mail. s/Aaron Flanigan Case Manager