

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

Clervrain v. Raimondo

Clervrain · No. C.A. No. 22-124JJM · Decided May 27, 2026

SUMMARY

The United States District Court for the District of Rhode Island recommends denying Manetirony Clervrain’s motion to proceed in forma pauperis on appeal. The recommendation concludes that the application failed to satisfy Federal Rule of Appellate Procedure 24(a) and that the appeal was not taken in good faith because it lacked merit.

CASE DETAILS

COURT	United States District Court for the District of Rhode Island
WRITING FOR THE COURT	Patricia A. Sullivan
JURISDICTION	United States District Court for the District of Rhode Island
DECIDED	May 27, 2026
DOCKET	C.A. No. 22-124JJM
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on Plaintiff's motion for leave to proceed in forma pauperis on appeal from the denial of a motion to reopen the action.
STANDARD OF REVIEW	Whether an appeal is taken in good faith under 28 U.S.C. § 1915(a)(3) is judged by an objective standard: whether the litigant seeks appellate review of any issue that is not frivolous.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Manetirony Clervrain, et al. v. Gina Raimondo, et al.

TOPICS

- appellate procedure
- civil procedure
- standard of review

PRACTICE AREAS

- civil procedure
- appellate procedure
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Plaintiff's affidavit satisfied the requirements of Federal Rule of Appellate Procedure 24(a)(1) and Form 4 for proceeding in forma pauperis on appeal.
2. Whether Plaintiff's appeal was taken in good faith under 28 U.S.C. § 1915(a)(3).

HOLDINGS

1. The application should be denied because the affidavit failed to provide the information required by Rule 24(a)(1) and Form 4 concerning Plaintiff's inability to pay, entitlement to redress, and intended appellate issues.
2. The application should be denied because the appeal was not taken in good faith and lacked merit.

KEY QUOTATIONS

“Good faith for purposes of § 1915(a)(3) is judged by an objective standard; that is, whether the litigant ‘seeks appellate review of any issue not frivolous.’”

“An appeal is deemed frivolous when it is based on an indisputably meritless legal theory or factual allegations that are clearly baseless.”

FACTUAL BACKGROUND

Plaintiff's underlying complaint had been dismissed as frivolous and for failure to state a claim. After the district court denied a motion to reopen the case, Plaintiff appealed and filed an application to proceed in forma pauperis. His affidavit acknowledged employment and income from a business, profession, or other self-employment but provided no information about the amount of his income, and it did not adequately state his inability to pay, entitlement to redress, or intended appellate issues.

PROCEDURAL HISTORY

The complaint was summarily dismissed in 2022 for failure to state a claim and as frivolous, and the district court denied Plaintiff's motion to proceed in forma pauperis. Plaintiff later moved to reopen the case; the magistrate judge recommended denial, and the district court adopted that recommendation. Plaintiff filed an appeal in May 2026 and submitted a renewed motion to proceed in forma pauperis on appeal. The magistrate judge recommended that the district court deny the motion because the affidavit failed to satisfy Federal Rule of Appellate Procedure 24(a)(1) and because the appeal was not taken in good faith.

DISPOSITION

other

CASES CITED

- Clervrain v. McKee, C.A. Nos. 20-535WES & 22-124WES, 2024 WL 4785142, at *2 (D.R.I. Nov. 14, 2024)
- Clervrain v. Raimondo, C.A. No. 22-124WES, 2022 WL 1157475, at *2 (D.R.I. Apr. 19, 2022)
- De Barros v. From You Flowers, LLC, 566 F. Supp. 3d 149, 152 (D.R.I. 2021)

- *Coppedge v. United States*, 369 U.S. 438, 445 (1962)
- *Sanchez v. Brown Univ. Health*, No. 1:25-cv-00075-LM-TSM, 2025 WL 1779157, at *2 (D.R.I. June 27, 2025)
- *Miguel v. Wall*, C.A. No. 15-281ML, 2016 WL 11652896, at *1 (D.R.I. Feb. 16, 2016)
- *Smith v. 6th Div. Dist. Ct.*, C.A. No. 22-131JJM, 2022 WL 2704210, at *1 (D.R.I. June 21, 2022)
- *DuLaurence v. Telegen*, No. 15-1537, 2016 WL 10454553, at *1 (1st Cir. Nov. 30, 2016)
- *Ausar v. Coyne-Fague*, C.A. No. 22-150 WES, 2023 WL 5726382, at *2 (D.R.I. Aug. 9, 2023)
- *Brenner v. Williams-Sonoma, Inc.*, 867 F.3d 294, 297 n.7 (1st Cir. 2017)
- *Santos-Santos v. Torres-Centeno*, 842 F.3d 163, 168 (1st Cir. 2016)

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