

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

NICOLE M. SALERNO,

Plaintiff,

v.

Case No: 2:19-cv-29-FtM-29CM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This matter comes before the Court upon review of the Letter Motion filed on January 29, 2019. Doc. 8. On January 16, 2019, Plaintiff filed an Affidavit of Indigency, construed as a Motion to Proceed *In Forma Pauperis*, but failed to complete the entire form. *See generally* Doc. 2. The Court denied without prejudice Plaintiff's request to proceed *in forma pauperis*, allowing her to re-file a complete Affidavit of Indigency on or before February 1, 2019. Doc. 3 at 2. The Letter Motion¹ states that Plaintiff's income is only \$696 per month and she pays \$400 per month for rent and cannot pay the \$400 filing fee. Doc. 8 at 1. Plaintiff did not submit a complete Affidavit of Indigency as directed by the Court's January 16, 2019 Order. *See* Doc. 6 at 2. Further, Local Rule 3.01 provides that requests for relief must not be submitted to the Court "in the form of a letter or the like." M.D. Fla. R. 3.01(f). Plaintiff is advised to refrain from filing letter motions in the future. Thus, the Court will deny Plaintiff's Letter Motion. Because

¹ The letter begins by stating that an individual named Joseph Imperial is representing Plaintiff, but the letter is signed by Plaintiff personally and the Court construes the letter as a *pro se* motion filed by Plaintiff. *See* Doc. 8 at 1. To the extent there is any confusion, Plaintiff is proceeding *pro se* and no attorney has filed an appearance on her behalf in this case. *See generally* Docket. Thus, all filings must be made by Plaintiff personally unless and until an attorney admitted to practice in this Court files an appearance on her behalf. *See* M.D. Fla. R. 2.03.

Plaintiff is proceeding *pro se*, the Court will allow Plaintiff another chance to file a complete Affidavit of Indigency filled out and signed by Plaintiff personally.

ACCORDINGLY, it is

ORDERED:

The Letter Motion (Doc. 8) is **DENIED**. Plaintiff shall have up to and including **February 20, 2019** to re-file the Motion to Proceed *In Forma Pauperis* with a complete Affidavit of Indigency, or pay the filing fee. The Clerk is directed to mail a form Affidavit of Indigency to Plaintiff with this Order.

DONE and **ORDERED** in Fort Myers, Florida on this 30th day of January, 2019.



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

Copies:
Plaintiff