

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STANLEY G. GOLDSTEIN, SR.	:	CIVIL ACTION
(Messiah),	:	
	:	
Plaintiff,	:	
v.	:	
	:	
POLICE CHIEF TIMONEY,	:	NO. 01-481
	:	
Defendant.	:	

MEMORANDUM

ROBERT F. KELLY, J.

FEBRUARY 20, 2001

Presently before the Court is the Motion to Proceed in Forma Pauperis filed by the Plaintiff, Stanley G. Goldstein, Sr. (Messiah). On February 2, 2001, this Court denied the Plaintiff's previously filed Request to Proceed in Forma Pauperis because he failed to properly complete the Statement in Support of his Request to proceed in Forma Pauperis. With this newly filed Motion, the Plaintiff provides correspondence received from the Social Security Administration ("SSA") indicating a monthly benefit to Plaintiff in the amount of \$505.13. In addition, although the Plaintiff has listed a West Atlantic City, New Jersey address in his Motion, Plaintiff's SSA correspondence is addressed to Plaintiff at a post office box located in Philadelphia, Pennsylvania. "[P]overty sufficient to qualify [for in forma pauperis status] . . . does not require penniless destitution." Ward v. Werner, 61 F.R.D. 639, 640 (M.D. Pa. 1974)(citing Adkins v. E. I. Du Pont De Nemours, 335 U.S. 331

(1948)). "However, leave to proceed in forma pauperis is discretionary with the court . . . [and] [t]here exists no fixed net worth which disqualifies a party as a pauper." Id. (citations omitted). Since the Plaintiff has an annual income of at least \$6,061.56 and can afford a post office box rental fee, it appears that he is able to pay the filing fee in this action and therefore his Motion to Proceed in Forma Pauperis is denied.

In Nietzke v. Williams, 490 U.S. 319 (1989), the Supreme Court in construing the meaning of "frivolous" held that "a complaint, containing as it does both factual allegations and legal conclusions, is frivolous where it lacks an arguable basis either in law or in fact." Id. at 325. On the case designation form accompanying his Complaint, Plaintiff marked the space next to "Other Personal Injury" to identify the category of his case, adding "It is a personal injury I hate seeing women being disrespect [sic] in this manner." See Compl.

Rule 8 of the Federal Rules of Civil Procedure requires that a complaint contain a short and plain statement of the claim showing that the pleader is entitled to relief and a complaint must also contain a demand for judgment for the relief the pleader seeks. See FED. R. CIV. P. 8. The Plaintiff, as a pro se litigant, is entitled to some latitude. Bieros v. Nicola, 839 F.Supp. 332, 334 (E.D. Pa. 1993)(citations omitted). Plaintiff's handwritten Complaint seems to allege that the Philadelphia

police did not arrest prostitutes or their customers.

"A private individual must have standing to sue by showing that he has sustained or is in immediate danger of sustaining a direct injury as a result of an action; a general interest common to all members of the public is not enough." Avery v. Mitchell, No. CIV.A.98-2487, 1999 WL 240339, at *2 (E.D. Pa. Apr. 20, 1999)(citing Ex parte Levitt, 302 U.S. 633 (1937)(citations omitted)). The complaint as written states no facts to support claims that conceivably would constitute a specific personal injury to the plaintiff. See Braverman v. Lachman, Nos. CIV.A.91-1704, 91-1705, 1991 WL 61122, at *1-2 (E.D. Pa. Apr. 16, 1991)(complaint without factual allegations dismissed as frivolous).

An appropriate Order follows.

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(MESSIAH),	:	CIVIL ACTION
	:	
Plaintiff,	:	
v.	:	
	:	
POLICE CHIEF TIMONEY,	:	NO. 01-481
	:	
Defendant.	:	

ORDER

AND NOW, this 20th day of February, 2001, it is hereby ORDERED that the Plaintiff's Request to Proceed in Forma Pauperis (Dkt. No. 3) is DENIED.

BY THE COURT:

ROBERT F. KELLY, J.