

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Case Number: 21-23536-CIV-MORENO

JOSE MALDONADO-AVILES,

Plaintiff,

vs.

EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW, U.S. DEPARTMENT OF JUSTICE,

Defendant.

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

THIS CAUSE came before the Court upon Motion for Leave to Proceed In Forma Pauperis (D.E. 3), filed on **October 7, 2021**.

THE COURT has considered the motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the motion is DENIED. Plaintiff seeks *in forma pauperis* relief as a prisoner under 28 U.S.C. § 1915(a). Plaintiff, however, is not a prisoner under the terms of § 1915(h), which defines prisoner as “any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law[.]” As an immigration detainee, Plaintiff does not meet the statutory criteria and therefore, the Court will not allow the case to proceed without payment of the filing fee. Plaintiff shall pay the filing fee by no later than **October 28, 2021**. Failure to do so will result in dismissal without prejudice of Plaintiff’s case.

DONE AND ORDERED in Chambers at Miami, Florida, this 19th of October 2021.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record