



UNITED STATES DISTRICT COURT *District of Rhode Island*

IFP (*In Forma Pauperis*)

What is IFP status? (Filing without paying a filing fee)

In forma pauperis (IFP) is Latin for “in the form of a pauper.” IFP status is generally granted to those who the Court determines do not have the resources to pay the \$400.00 filing fee. To apply for IFP status, you must complete the Court's Application to Proceed in District Court without Prepaying Fees or Costs form. This form is available in the Clerk's Office or on the Court's website.

What is required to file an IFP application?

Please follow these instructions when completing the IFP application:

1. Fill the application out accurately and completely. If any part of the form is left blank, or if any required information is not provided, the IFP application may not be granted. If you provide any information that is false or misleading, sanctions, or a monetary penalty, may be imposed against you.
2. Submit one application for each plaintiff, unless the plaintiffs are spouses living in the same household or a parent and minor child living in the same household.
3. Sign the IFP application.
4. The IFP application must be filed with your complaint. The Clerk's Office will not accept a complaint unless it is accompanied by either the full \$400.00 filing fee or an IFP application.

What will happen after the IFP application is filed?

After you file an IFP application, it will be reviewed by a magistrate judge soon after the case is opened. The magistrate judge will examine the financial information provided in the IFP application and determine whether you are unable to afford the filing fee and pay for service.

If the magistrate judge finds that you are able to afford the filing fee, the magistrate judge will enter an order to: (a) allow you to file an amended IFP application; or (b) require you to pay the \$400.00 filing fee. If you do not comply with the order within the time allowed, your case may be dismissed.

If the magistrate judge finds that you are unable to afford the filing fee, the magistrate judge will review your complaint for certain defects. If your complaint is found to be defective, your IFP application will not be granted. The magistrate judge may give you an opportunity to file an amended complaint or may recommend to a district judge that your case be dismissed.

What happens after my IFP application is granted?

If the magistrate judge finds that you are unable to afford the filing fee and that your complaint states a claim that can be heard in federal court, then the magistrate judge will enter an order granting your IFP application. If your IFP application is granted, the Clerk's Office will issue a signed and sealed summons and make arrangements to have a copy of the summons and complaint served upon the named defendant(s) by a U.S. Marshal. You must provide the Clerk's Office with an accurate address for each named defendant on a U.S. Marshal Service form to ensure that each defendant is properly served.

What costs will be paid by the Court if I am granted IFP status?

Under 28 U.S.C. § 1915, persons granted IFP status will have their filing fee and service of process for the summons and complaint waived by the Court. All other costs, such as copy fees, costs of service for documents other than the complaint, discovery costs, and transcript costs are not automatically covered by statute under 28 U.S.C. § 1915. If you want to ask the Court to pay for any costs other than the filing fee and service of process for the summons and complaint, you must file a motion explaining why the Court should grant your request.

If you have additional questions, visit the Clerk's Office during normal business hours or contact us at the number below. Please note: we will be happy to provide you with general instructions concerning court rules and procedures; however, we are prohibited from interpreting those rules and procedures or the law, evaluating facts, calculating time deadlines, or otherwise providing legal advice.

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