

- [Perez Perez v United States Citizenship and Immigration Services \(USCIS\) \(1\)25.pdf](#)
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Opposition to Judge's Order

Introduction

In the matter of Perez Perez v. United States Citizenship and Immigration Services (USCIS), Case No. 1:25-CV-05553, the plaintiff, Victor Manuel Perez Perez, respectfully submits this opposition to the order issued by Judge Laura Taylor Swain on July 24, 2025. The order directs the plaintiff to either pay the filing fees or submit an application to proceed in forma pauperis (IFP) within thirty days, failing which the action will be dismissed.¹ This opposition addresses the legal and factual grounds for contesting the order, emphasizing the undue burden it places on the plaintiff and the potential for unjust dismissal of a meritorious claim.

Legal Arguments

1. **Pro Se Litigant Considerations**

The plaintiff is proceeding pro se, which necessitates a more lenient interpretation of procedural requirements to ensure access to justice. The court's standing order for cases filed by pro se plaintiffs underscores the need for flexibility in procedural compliance, particularly regarding service

¹ plaintiff must either pay \$405.00 in fees - a \$350.00 filing fee plus a \$55.00 administrative fee or, to request authorization to proceed in forma pauperis (IFP), that is, without prepayment of fees, submit a signed IFP application. See 28 U.S.C. §§ 1914, 1915. Plaintiff submitted the complaint without the filing fees or an IFP application. Within thirty days of the date of this order, Plaintiff must either pay the \$405.00 in fees or submit the attached IFP application. If Plaintiff submits the IFP application, it should be labeled with docket number 25-CV-5553 (LTS). If the Court grants the IFP application, Plaintiff will be permitted to proceed without prepayment of fees. See 28 U.S.C. § 1915(a) (1). No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 44445 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue). Filing Fee due by 8/25/2025. In Forma Pauperis (IFP) Application due by 8/25/2025. (Signed by Judge Laura Taylor Swain on 7/24/2025) (rro) (Entered: 07/29/2025) NOTICE OF CASE REASSIGNMENT - SUA SPONTE to Judge Laura Taylor Swain. Judge Unassigned is no longer assigned to the case. (vba) (Entered: 07/22/2025) STANDING ORDER IN RE CASES FILED BY PRO SE PLAINTIFFS (See 24-MISC-127, pg. 2, [Perez Perez v United States Citizenship and Immigration Services \(USCIS\) \(1\)25.pdf](#))

and filing requirements.² The order's rigid deadline for fee payment or IFP application submission does not adequately account for the challenges faced by pro se litigants, such as limited access to legal resources and potential delays in receiving court communications.

2. Financial Hardship and IFP Eligibility

The plaintiff's financial situation warrants consideration for IFP status. The requirement to pay a \$405.00 fee imposes a significant financial burden on the plaintiff, who has demonstrated an inability to prepay such fees.³ The court should grant the plaintiff's request to proceed IFP, allowing the case to be heard on its merits without the barrier of financial constraints. The denial

² Standing Order filed March 18, 2024). To ensure that all cases heard in the Southern District of New York are handled promptly and efficiently, all parties must keep the court apprised of any new contact information. It is a party's obligation to provide an address for service; service of court orders cannot be accomplished if a party does not update the court when a change of address occurs. Accordingly, all self-represented litigants are hereby ORDERED to inform the court of each change in their address or electronic contact information. Parties may consent to electronic service to receive notifications of court filings by email, rather than relying on regular mail delivery. Parties may also ask the court for permission to file documents electronically. Forms, including instructions for consenting to electronic service and requesting permission to file documents electronically, may be found by clicking on the hyperlinks in this order, or by accessing the forms on the courts website, nysd.uscourts.gov/forms. The procedures that follow apply only to cases filed by pro se plaintiffs. If the court receives notice from the United States Postal Service that an order has been returned to the court, or otherwise receives information that the address of record for a self-represented plaintiff is no longer valid, the court may issue an Order to Show Cause why the case should not be dismissed without prejudice for failure to comply with this order. Such order will be sent to the plaintiffs last known address and will also be viewable on the court's electronic docket. A notice directing the parties' attention to this order shall be docketed (and mailed to any self-represented party that has appeared and has not consented to electronic service), pg. 3, [Perez Perez v United States Citizenship and Immigration Services \(USCIS\) \(1\)25.pdf](#)

³ plaintiff must either pay \$405.00 in fees - a \$350.00 filing fee plus a \$55.00 administrative fee or, to request authorization to proceed in forma pauperis (IFP), that is, without prepayment of fees, submit a signed IFP application. See 28 U.S.C. §§ 1914, 1915. Plaintiff submitted the complaint without the filing fees or an IFP application. Within thirty days of the date of this order, Plaintiff must either pay the \$405.00 in fees or submit the attached IFP application. If Plaintiff submits the IFP application, it should be labeled with docket number 25-CV-5553 (LTS). If the Court grants the IFP application, Plaintiff will be permitted to proceed without prepayment of fees. See 28 U.S.C. § 1915(a) (1). No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 44445 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue). Filing Fee due by 8/25/2025. In Forma Pauperis (IFP) Application due by 8/25/2025. (Signed by Judge Laura Taylor Swain on 7/24/2025) (rro) (Entered: 07/29/2025) NOTICE OF CASE REASSIGNMENT - SUA SPONTE to Judge Laura Taylor Swain. Judge Unassigned is no longer assigned to the case. (vba) (Entered: 07/22/2025) STANDING ORDER IN RE CASES FILED BY PRO SE PLAINTIFFS (See 24-MISC-127, pg. 2, [Perez Perez v United States Citizenship and Immigration Services \(USCIS\) \(1\)25.pdf](#)

of IFP status for the purpose of an appeal further exacerbates the plaintiff's access to justice, as it precludes the opportunity to challenge the order in higher courts. ⁴

3. Meritorious Nature of the Claim

The complaint, filed in the nature of mandamus against USCIS, raises substantial legal questions regarding the agency's actions and decisions. ⁵ Dismissing the case due to procedural technicalities would unjustly prevent the plaintiff from seeking redress for potentially unlawful conduct by a government agency. The court should prioritize the resolution of substantive issues over procedural formalities, particularly in cases involving pro se litigants.

Conclusion

For the foregoing reasons, the plaintiff respectfully requests that the court reconsider its order dated July 24, 2025, and grant the plaintiff's application to proceed in forma pauperis. Alternatively, the plaintiff seeks an extension of the deadline to comply with the order, allowing sufficient time to address the financial and procedural challenges faced. The plaintiff further requests that the court recognize the importance of adjudicating the substantive claims raised in the complaint, ensuring that justice is served in this matter.

Respectfully submitted,

⁴ plaintiff must either pay \$405.00 in fees - a \$350.00 filing fee plus a \$55.00 administrative fee or, to request authorization to proceed in forma pauperis (IFP), that is, without prepayment of fees, submit a signed IFP application. See 28 U.S.C. §§ 1914, 1915. Plaintiff submitted the complaint without the filing fees or an IFP application. Within thirty days of the date of this order, Plaintiff must either pay the \$405.00 in fees or submit the attached IFP application. If Plaintiff submits the IFP application, it should be labeled with docket number 25-CV-5553 (LTS). If the Court grants the IFP application, Plaintiff will be permitted to proceed without prepayment of fees. See 28 U.S.C. § 1915(a) (1). No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 44445 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue). Filing Fee due by 8/25/2025. In Forma Pauperis (IFP) Application due by 8/25/2025. (Signed by Judge Laura Taylor Swain on 7/24/2025) (rro) (Entered: 07/29/2025) NOTICE OF CASE REASSIGNMENT - SUA SPONTE to Judge Laura Taylor Swain. Judge Unassigned is no longer assigned to the case. (vba) (Entered: 07/22/2025) STANDING ORDER IN RE CASES FILED BY PRO SE PLAINTIFFS (See 24-MISC-127, pg. 2, [Perez Perez v United States Citizenship and Immigration Services \(USCIS\) \(1\)25.pdf](#)

⁵ COMPLAINT IN THE NATURE OF MANDAMUS against United States Citizenship and Immigration Services (USCIS). Document filed by Victor Manuel Perez Perez .. (nb) (Entered: 07/07/2025) Case Designated ECF. (nb) (Entered: 07/07/2025), pg. 4, [Perez Perez v United States Citizenship and Immigration Services \(USCIS\) \(1\)25.pdf](#)

Victor Manuel Perez Perez
Pro Se Plaintiff

