

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**MARIA PETER, MICHAEL PETER,)
JULIA BERGER and)
JAROLIN BERGER,)
)
Plaintiffs,)
v.)
)
SUSAN DIANE WOJCICKI, WILLIAM)
HENRY GATES, STEPHANE BANCEL,)
and ALBERT BOURIA,)
)
Defendants.)**

Case No. 5:21-cv-04096-DDC-TJJ

ORDER

On December 30, 2021, Plaintiffs filed a Complaint *pro se*, asserting claims of negligence against Susan Diane Wojcicki, William Henry Gates, Stephane Bancel, and Albert Bourla (ECF No. 1). To date, only Plaintiff Maria Peter has filed a motion seeking permission to proceed *in forma pauperis* under the authority of 28 U.S.C. § 1915, which allows the court to authorize the commencement of a civil action “without the prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] possesses that the person is unable to pay such fees or give security therefor.” *See* Motion to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 3).

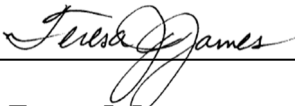
The remaining Plaintiffs have not sought permission to proceed *in forma pauperis*. Nor has any Plaintiff paid the filing fee. Under 28 U.S.C. § 1914(a), the clerk of this Court “shall require the parties instituting any civil action, suit or proceeding . . . to pay a filing fee of \$350.” In addition, 28 U.S.C. § 1914(b) directs the clerk to collect additional fees prescribed by the Judicial Conference of the United States. The Judicial Conference has set an administrative fee of \$52 for all civil actions, suits, or proceedings, which results in a total filing fee of \$402.

Taken together, these statutes mean this case may not commence until (1) the clerk of court receives payment in the amount of \$402, OR (2) the court enters an order granting every Plaintiff permission to proceed *in forma pauperis* after each Plaintiff has submitted his or her own affidavit containing the information required by 28 U.S.C. § 1915(a) which demonstrates the Plaintiff's inability to pay the filing fee. Accordingly, the court enter the following order.

IT IS HEREBY ORDERED that Plaintiffs take the following action **no later than February 11, 2022**: (1) Plaintiffs shall pay in full a filing fee of \$402; or (2) Plaintiffs Michael Peter, Julia Berger, and Jarolin Berger shall each file an affidavit that includes a statement of all assets each possesses, demonstrating that each is unable to pay the filing fee. If the remaining Plaintiffs file such affidavits, the Court will determine whether the case may proceed without prepayment of fees. **Failure to comply with this order by the deadline may result in the dismissal of this action.**

IT IS SO ORDERED.

Dated this 6th day of January, 2022, in Kansas City, Kansas.



Teresa J. James
U. S. Magistrate Judge