

CLD-050

November 23, 2011

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **11-2944**

MAWAFAG A. ABEDALLAH,  
d/b/a SFINX EXPRESS TRANSIT,  
Petitioners

v.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION,  
Respondent  
(Agency No. FMCSA-2004-19841)

Present: RENDELL, HARDIMAN and ROTH, Circuit Judges

Submitted are:

- (1) Petitioners' Petition for Review;
- (2) Petitioners' Motion to Proceed In Forma Pauperis;
- (3) By the Clerk for possible dismissal due to a jurisdictional defect; and
- (4) Respondent's Response; in the above-captioned case.

Respectfully,

Clerk

MMW/BNB/dwb

**ORDER**

The motion to proceed in forma pauperis is granted with respect to Mawafag Abedallah but denied with respect to SFINX Express Transit. Rowland v. California Men's Colony, 506 U.S. 194, 196 (1993) (holding that "only a natural person may qualify for treatment in forma pauperis under" 28 U.S.C. § 1915). Because SFINX Express Transit failed to pay the requisite filing fee, it is dismissed for failure to timely prosecute. See Fed. R. App. P. 15(e); L.A.R. 3.3; L.A.R. Misc. 107.1. Even if SFINX Express Transit paid the filing fee, the petition for review is dismissed as untimely as to both petitioners. The petitioners seek review of a final order imposing a civil penalty under 49 U.S.C. § 521. Consequently, a petition for review of that order must be filed in the appropriate court of appeals within 30 days of the issuance of that order. § 521(b)(9); 49 C.F.R. § 386.67(a). Here, the final order was issued on April 7, 2011. The petitioners did not file their

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petition for review in this Court until July 18, 2011. Accordingly, the petition for review must be dismissed. Bowles v. Russell, 551 U.S. 205, 210 (2007); Fed. R. App. P. 26(b)(2). Although the petitioners erroneously filed a petition for review in the United States District Court for the District of New Jersey on May 20, 2011, that filing also would be untimely.

By the Court,

/s/Marjorie O. Rendell  
Circuit Judge

Dated: January 19, 2012

DWB/cc:

Mawafag Abedallah  
Michael S. Raab, Esq.  
Benjamin M. Shultz, Esq.  
Sfinx Express Trans



*Marcia M. Waldron*

Marcia M. Waldron, Clerk  
Certified order issued in lieu of mandate.