

SUCCESSION OF HOWARD A. WEISER, SR.

NO. 25-C-89

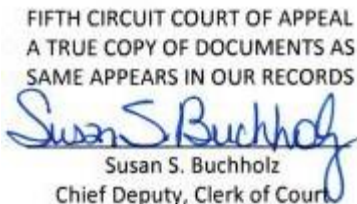
FIFTH CIRCUIT

COURT OF APPEAL

STATE OF LOUISIANA

April 02, 2025

Susan Buchholz  
Chief Deputy Clerk



IN RE DEBORAH B. WEISER

**APPLYING FOR** SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE LEE V. FAULKNER, JR., DIVISION "P", NUMBER 782-693

Panel composed of Judges Jude G. Gravois,  
Marc E. Johnson, and John J. Molaison, Jr.

### WRIT DENIED

Relator, Deborah Weiser, seeks review of the 24th Judicial District Court's January 7, 2025 judgment which denied her request to proceed *in forma pauperis*<sup>1</sup> on appeal and alleges that the court's denial constituted a denial of her due process rights. In its Reasons for Judgment, the court cited La. C.C.P. arts. 5182 and 5183, and found that Relator was not entitled to the relief requested because she did not meet the requirements required by article 5183 as her application showed she earns \$6,100 a month and has nearly \$200,000 in net assets.

In her writ application, Relator avers she has incurred over \$25,000 in legal expenses; has lost over \$450,000 in property and income as a result of the litigation and defense of six different lawsuits; she cannot use her assets to secure a loan due to a forbearance agreement with Whitney Bank; and her monthly expenditures exceed her income.

On the showing made, we find that the district court did not abuse its discretion in its denial of Relator's request. "A litigant's *in forma pauperis* status is a 'privilege, not a luxury or a right.'" *Mendonca v. Tidewater, Inc.*, 11-0318 (La. App. 4 Cir. 9/7/11), 73 So.3d 407, 415, *writ denied*, 11-2333 (La. 12/2/11), 76 So.3d 1179, *citing Martin v. Martin*, 39,631 (La. App. 2 Cir. 5/18/05), 903 So.2d 619, 625. "The privilege is codified in La. C.C.P. art. 5181, which provides that 'an individual who is unable to pay the costs of court because of his *poverty and lack of means* may prosecute or defend a judicial proceeding in any trial or

<sup>1</sup> Review of the court record shows this is the second time that the district court denied Relator's request to proceed *in forma pauperis* on appeal. The Court found that her notice of intent was untimely and the writ application was incomplete. See *In re: Deborah B. Weiser*, 24-429 (La. App. 5 Cir. 11/18/24) (unpublished writ disposition).

appellate court without paying the costs in advance or as they accrue or furnishing security therefor.” La. C.C.P. art. 5181(A). *Id.* (Emphasis added).

“The general rule is that, in the absence of clear abuse, the appellate courts do not disturb the trial court’s discretion in granting or denying the privilege to litigate *in forma pauperis*, based upon that court’s factual determination of the litigant’s ability or inability to pay the court costs or to make bond therefor.” *Benjamin v. Nat’l Super Markets, Inc.*, 351 So.2d 138, 142 (La. 1977), *writ denied sub nom. Benjamin v. Nat’l Supermarkets, Inc.*, 366 So.2d 561 (La. 1979). Further, Relator failed to include a copy of the petition to proceed *in forma pauperis* pursuant to Uniform Rules – Courts of Appeal, Rule 4-5 C(8).

Accordingly, the writ is denied.

Gretna, Louisiana, this 2nd day of April, 2025.

**MEJ**  
**JGG**  
**JJM**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISSON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT  
101 DERBIGNY STREET (70053)  
POST OFFICE BOX 489  
GRETNA, LOUISIANA 70054  
[www.fifthcircuit.org](http://www.fifthcircuit.org)

CURTIS B. PURSELL  
CLERK OF COURT

SUSAN S. BUCHHOLZ  
CHIEF DEPUTY CLERK

LINDA M. WISEMAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

(504) 376-1400  
(504) 376-1498 FAX

**NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **04/02/2025** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

**CURTIS B. PURSELL**  
CLERK OF COURT

**25-C-89**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Hon. Lee V. Faulkner, Jr. (DISTRICT JUDGE)  
Stephen D. Marx (Respondent)

**MAILED**

Deborah B. Weiser (Relator)  
In Proper Person  
1544 Claire Avenue  
Gretna, LA 70053