

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**NICHOLE MEDICAL EQUIPMENT & SUPPLY,
INC., AND DOMINIC ROTELLA,**
Plaintiffs-Appellants,

v.

UNITED STATES,
Defendant-Appellee.

2013-5101

Appeal from the United States Court of Federal
Claims in No. 12-CV-0364, Senior Judge Eric G. Brug-
gink.

ON MOTION

O R D E R

Dominic Rotella moves for leave to proceed in forma pauperis. Counsel for the appellants moves for leave to withdraw as counsel. The court notes that the other appellant, Nichole Medical Equipment & Supply, Inc., was represented by the same counsel and has not paid the docketing fee.

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A corporation may not proceed in forma pauperis. See *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194 (1993) (holding that "only a natural person may qualify for treatment *in forma pauperis*"). The appellants are jointly responsible for payment of the docketing fee.

The court grants counsel's motion. However, we note that a corporation must be represented by counsel to proceed in this court. See 28 U.S.C. § 1654; Fed. Cir. R. 47.3; *Richdel, Inc. v. Sunspool Corp.*, 699 F.2d 1366 (Fed. Cir. 1983); see also *Rowland*, 506 U.S. at 201-02 (1993) ("It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel."). This requirement may not be waived. New counsel for Nichole Medical Equipment & Supply must enter an appearance on behalf of the corporation.

Thus, if Nichole Medical Equipment & Supply, Inc. intends to proceed with this appeal, it must obtain new counsel and the docketing fee must be paid within 30 days.

Accordingly,

IT IS ORDERED THAT:

(1) The motion for leave to withdraw as counsel is granted.

(2) Rotella's motion to proceed in forma pauperis is held in abeyance, pending Nichole's notification within 30 days that it has obtained counsel and paid the docketing fee.

(2) If Nichole does not obtain counsel and pay the docketing fee within 30 days, the caption will be amended to strike its status as appellant and Rotella's motion for leave to proceed in forma pauperis will be considered.

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FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk

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