

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION**

City of Bridgewater v. Roth

Roth · No. 4:26-CV-04015-RAL · Decided March 20, 2026

SUMMARY

The United States District Court for the District of South Dakota denied as moot the Roths' motion to reconsider the denial of in forma pauperis status. The court explained that the Roths had sufficient income to pay the filing fee and had paid the full \$405 fee, making reconsideration unnecessary.

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA SOUTHERN DIVISION CITY OF BRIDGEWATER, 4:26-CV-04015-RAL Plaintiff and Counter Defendant, ORDER DENYING AS MOOT MOTION TO vs. RECONSIDER DENIAL OF STATUS ERIC ROTH and DEBRA ROTH, Defendants, ' Counter Claimants, and Third- Party Claimants. vs.. □ PEDRO LOPEZ Defendant. VS. MICHAEL DAMM and BOB ANDERSON, Third-Party Defendants.

Defendants Eric Roth and Debra Roth ("the Roths")! filed a pro se notice of removal from the Circuit Court for the First Judicial Circuit, McCook County, South Dakota. Doc. 1; Doc. 1-1. Eric Roth and Debra Roth have objected to being called "the Roths" because "the use of a surname makes legal presumptions of law and fact witch [sic] prejudice Eric and Deb, two secular The Roths also filed a counterclaim alleging violations of various federal statutes, Doc.

3, and a motion for leave to proceed in forma pauperis, Doc. 2. This Court denied in forma pauperis status to the Roths because the information the Roths provided in their motion for leave to proceed in forma pauperis showed that they have sufficient income to pay the full filing fee. Doc. 4.

The Roths' financial affidavit indicates that they collectively receive \$3,400 in gross monthly income. Doc. 2 at 1-2. The Roths claim that their monthly expenses collectively total \$1,473. Id. at 4. The Roths timely paid the full civil complaint filing fee of \$405 on February 26, 2026.

On February 26, 2026, the Roths filed a Motion for Reconsideration, Doc. 5, taking issue with the denial of in forma pauperis status. The Roths submitted no different information from what was previously filed. In forma pauperis status is a privilege, not a right. *Williams v. McKenzie*, 834 F.2d 152, 154 (8th Cir. 1987).

The Roths are not wealthy and likely have financial stresses, but they had the ability to pay the filing fee of \$405 and have now done so. Accordingly, it is ORDERED that the Roths' motion to reconsider, Doc. 5, is denied. DATED this 20th day of March, 2026. BY THE COURT: CuBr woe A. LANGE CHIEF JUDGE people.” Doc. 5 at 1. Eric Roth and Debra Roth are separate people of course, and the use previously and now of “the Roths” is only meant to refer to them jointly in addressing their jointly filed motion.

The reference to the Roths jointly is in no way pejorative.