

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.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Roberto A. Lange
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	March 20, 2026
DOCKET	4:26-CV-04015-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Eric Roth and Debra Roth removed the action from the Circuit Court for the First Judicial Circuit, McCook County, South Dakota, sought leave to proceed in forma pauperis, and moved for reconsideration after the court denied in forma pauperis status.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motion for reconsideration
- civil procedure

PRACTICE AREAS

- civil procedure
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the Roths' motion to reconsider the denial of in forma pauperis status should be granted after they supplied no new financial information and paid the full filing fee.

HOLDINGS

1. The motion to reconsider was denied because the Roths had the ability to pay the \$405 filing fee, had supplied no different information, and had already paid the fee; the order's title characterized the motion as moot.

KEY QUOTATIONS

“In forma pauperis status is a privilege, not a right.”

FACTUAL BACKGROUND

Eric Roth and Debra Roth jointly filed a pro se notice of removal and sought in forma pauperis status. Their financial affidavit showed combined gross monthly income of \$3,400 and combined monthly expenses of \$1,473. After the district court denied in forma pauperis status, they moved for reconsideration but provided no new information, and they paid the \$405 filing fee.

PROCEDURAL HISTORY

The Roths filed a pro se notice of removal and a motion for leave to proceed in forma pauperis. The district court denied in forma pauperis status because their financial information showed sufficient income to pay the filing fee. The Roths then moved for reconsideration without submitting different financial information, and they subsequently paid the full \$405 civil filing fee.

DISPOSITION

other

CASES CITED

- Williams v. McKenzie, 834 F.2d 152, 154 (8th Cir. 1987)