

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

Malik Sanders v. Resurgent/LVNV Funding

Sanders · No. 4:26-CV-04028-ECS · Decided April 2, 2026

SUMMARY

The United States District Court for the District of South Dakota grants Malik Sanders’s motion to proceed in forma pauperis in his pro se Fair Debt Collection Practices Act lawsuit against Resurgent/LVNV Funding. The court states that it will separately screen the complaint under 28 U.S.C. § 1915(e)(2)(B).

OPINION

Sanders

PER CURIAM.

UNITED STATES DISTRICT COURT

_ DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

MALIK SANDERS, 4:26-CV-04028-ECS

Plaintiff,

ORDER GRANTING PLAINTIFF’S

Vs. MOTION FOR LEAVE TO PROCEED

. IN FORMA PAUPERIS

RESURGENT/LVNV FUNDING,

Defendant. . Plaintiff, Malik Sanders, filed a pro se lawsuit under the Fair Debt Collection Practices Act. Doc. 1. Sanders moved for leave to proceed in forma pauperis. Doc. 2. A federal court may authorize the commencement of any lawsuit without prepayment of fees when an applicant submits an affidavit stating he or she is unable to pay the costs of the lawsuit. 28 U.S.C. § 1915(a)(1). “[I]n forma pauperis status does not require a litigant to demonstrate absolute destitution.” *Lee v. McDonald’s Corp.*, 231 F.3d 456, 459 (8th Cir. 2000). But in forma pauperis status is a privilege, not a right. *Williams v. McKenzie*, 834 F.2d 152, 154 (8th Cir. 1987) (citation omitted). Determining whether an applicant is sufficiently impoverished to qualify to proceed in forma pauperis under § 1915 is committed to the sound discretion of the district court. *Cross vy. Gen. Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983). After review of Sanders’ financial affidavit, this Court finds that he has insufficient funds to pay the filing fee. Thus, Sanders’ motion for leave to proceed in forma pauperis, Doc. 2, is granted. When a plaintiff is granted leave to proceed in forma pauperis, a court must screen the complaint to determine whether should be

dismissed under 28 U.S.C. § 1915(e)(2)(B). See □ *Martin-Trigona v. Stewart*, 691 F.2d 856, 857 (8th Cir. 1982) (per curiam); see also *Key v. Does*, 217 F. Supp. 3d 1006, 1007 (ED. Ark. 2016). Thus, the next stage in the proceeding is for the Court to conduct a screening to determine if Sanders' Complaint is "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B). This Court will enter a separate order screening Sanders' Complaint in due course. Thus, it is ORDERED that Sanders' Motion for Leave to Proceed In Forma Pauperis, Doc. 2, is granted. DATED this 2nd day of April, 2026. BY THE COURT: Ss
CC, SCHULT -
UNITED STATES DISTRICT JUDGE