

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Kevin L. Ballard v. Nebraska Department of Corrections et al.

Ballard · No. 8:25CV723 · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Nebraska grants Kevin L. Ballard’s motion to proceed in forma pauperis in his action against the Nebraska Department of Corrections and related defendants. The court orders him to pay an initial partial filing fee of \$2.04 within 30 days and directs the correctional institution to collect subsequent monthly payments under 28 U.S.C. § 1915(b).

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	J. M. Gerrard
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 17, 2025
DOCKET	8:25CV723
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to proceed in forma pauperis in a prisoner civil action.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; precedential status not stated.
PARTIES	Kevin L. Ballard v. Nebraska Department of Corrections et al.

TOPICS

- prisoners rights
- civil procedure

PRACTICE AREAS

- Civil procedure
- Prisoner litigation
- Civil rights

QUESTIONS PRESENTED

- Whether Plaintiff should be permitted to proceed in forma pauperis.
- Whether Plaintiff must pay an initial partial filing fee and subsequent monthly installments under 28 U.S.C. § 1915(b).

HOLDINGS

1. Plaintiff is permitted to proceed in forma pauperis.
2. Plaintiff must pay an initial partial filing fee of \$2.04 within 30 days, followed by monthly payments of 20 percent of the preceding month's income credited to his account, collected and forwarded by his institution until the filing fee is paid.

KEY QUOTATIONS

“The statute places the burden on the prisoner’s institution to collect the additional monthly payments and forward them to the Court as follows:”

“Plaintiff is advised he will remain responsible for the entire filing fee, as long as he is a prisoner, even if the case is dismissed at some later time.”

FACTUAL BACKGROUND

Kevin L. Ballard, a prisoner, filed a civil action and sought leave to proceed in forma pauperis. The Court received information concerning his institutional trust account, including average monthly deposits of \$10.24. Based on that information, the Court calculated an initial partial filing fee of \$2.04 and directed collection of the remaining filing fee through monthly payments.

PROCEDURAL HISTORY

The action was filed in the United States District Court for the District of Nebraska. After receiving Plaintiff's trust-account information, the Court granted leave to proceed in forma pauperis, assessed an initial partial filing fee, and directed collection of subsequent installments. The Court stated that it would later conduct its initial review of the claims under 28 U.S.C. § 1915(e)(2).

DISPOSITION

other

CASES CITED

- In re Tyler, 110 F.3d 528, 529–30 (8th Cir. 1997)
- Jackson v. N.P. Dodge Realty Co., 173 F. Supp. 2d 951 (D. Neb. 2001)

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