

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PRECEDENTIAL VALUE	Unpublished district court memorandum and order; precedential status not stated.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

1. Whether Plaintiff should be permitted to proceed in forma pauperis.
2. 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)

OPINION

Ballard

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

KEVIN L. BALLARD,

Plaintiff, 8:25CV723 vs.

MEMORANDUM AND ORDER
NEBRASKA DEPARTMENT OF
CORRECTIONS ET. AL,

Defendant. This matter is before the Court on Plaintiff's Motion for Leave to Proceed in Forma Pauperis ("IFP"). Filing No. 2. The Court has received a copy of Plaintiff's trust account information. Filing No. 3. Plaintiff is permitted to proceed IFP. Prisoner plaintiffs are required to pay the full amount of the Court's \$350.00 filing fee by making monthly payments to the Court, even if the prisoner is proceeding IFP. 28 U.S.C. § 1915(b). The Prison Litigation Reform Act "makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal." *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). Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff must pay an initial partial filing fee in the amount of 20 percent of the greater of Plaintiff's average monthly account balance or average monthly deposits for the six months preceding the filing of the Complaint. Here, the Court finds the initial partial filing fee is \$2.04, based on average monthly deposits in the amount of \$10.24. Plaintiff must pay this initial partial filing fee within 30 days or his case will be subject to dismissal. Plaintiff may request an extension of time if one is needed. In addition to the initial partial filing fee, Plaintiff must "make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." 28 U.S.C. § 1915(b)(2). The statute places the burden on the prisoner's institution to collect the additional monthly payments and forward them to the Court as follows: After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid. 28 U.S.C. § 1915(b)(2). Therefore, after payment in full of the initial partial filing fee, Plaintiff's institution must collect the remaining installments of the filing fee and forward the payments to the Court. 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. See *In re Tyler*, 110 F.3d at 529–30; *Jackson*, 173 F. Supp. 2d at 951. IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP, Filing No. 2, is granted.
2. Plaintiff must pay an initial partial filing fee of \$2.04 within 30 days unless the Court extends the time in which he has to pay in response to a written motion. 2
3. After payment of the initial partial filing fee, Plaintiffs institution must collect the additional monthly payments in the manner set forth in 28 U.S.C. § 1915(b)(2), quoted above, and forward those payments to the Court.
4. The Clerk's office is directed to send a copy of this order to the appropriate official at Plaintiff's institution.

5. The Clerk's office is directed to set a pro se case management deadline in this case using the following text: January 16, 2026: initial partial filing fee payment due.

6. Plaintiff is advised that, following payment of the initial partial filing fee, the next step in Plaintiffs case will be for the Court to conduct an initial review of Plaintiffs claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2).. The Court will conduct this initial review in its normal course of business. Dated this 17th day of December, 2025. BY THE COURT: J M. Gerrard SChior United States District Judge