

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, AUSTIN DIVISION

Allan Joy v. Commissioner of Social Security

Joy · No. 1:25-CV-01804-ADA · Decided November 24, 2025

SUMMARY

The United States District Court for the Western District of Texas grants Allan Joy leave to proceed in forma pauperis and directs the Clerk to file the complaint without prepayment of fees. The Court also grants Joy’s motion for permission to file electronically and authorizes issuance and service of process, while noting that the complaint is subject to screening under 28 U.S.C. § 1915(e)(2).

CASE DETAILS

COURT	United States District Court for the Western District of Texas, Austin Division
WRITING FOR THE COURT	Dustin M. Howell
JURISDICTION	United States District Court for the Western District of Texas, Austin Division
DECIDED	November 24, 2025
DOCKET	1:25-CV-01804-ADA
DISPOSITION	other
PROCEDURAL POSTURE	At the commencement of a Social Security action, the plaintiff applied to proceed in forma pauperis, submitted a financial affidavit and complaint, and moved for permission to file electronically.
STANDARD OF REVIEW	The court reviewed the financial affidavit to determine indigency and screened the complaint under 28 U.S.C. § 1915(e)(2) for possible dismissal as frivolous or malicious.
PRECEDENTIAL VALUE	unpublished

TOPICS

- civil procedure
- service of process
- costs

PRACTICE AREAS

- civil procedure
- Social Security

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated indigency sufficient to proceed in forma pauperis without prepayment of fees or costs.
2. Whether the complaint required dismissal as frivolous or malicious under 28 U.S.C. § 1915(e)(2) at the initial screening stage.
3. Whether Plaintiff's pro se request for permission to file electronically should be granted.

HOLDINGS

1. The court held that Joy was indigent and granted him leave to proceed in forma pauperis without prepayment of fees, costs, or security.
2. The court held that the action should not be dismissed as frivolous at that time, while preserving the possibility of later dismissal if the allegation of poverty proved untrue or the action were found frivolous or malicious.
3. The court held that Joy's request for permission to file electronically should be granted, subject to the court's administrative policies and the possibility that the privilege could be rescinded for abuse or consistently erroneous filings.

KEY QUOTATIONS

“The undersigned has reviewed Joy’s financial affidavit and determined that he is indigent and should be granted leave to proceed in forma pauperis, without prepayment of fees.”

“After reviewing Joy’s Complaint, the Court has determined that this case should not be dismissed as frivolous at this time.”

“if it is determined by the Court that the Filing User is abusing the privilege to electronically file documents or is consistently error prone in electronic filing, the Filing User’s registration may be rescinded.”

FACTUAL BACKGROUND

Allan Joy filed a complaint against the Commissioner of Social Security, an application to proceed in forma pauperis, a supporting financial affidavit, and a pro se motion for permission to file electronically. The court determined from the financial affidavit that Joy was indigent. After reviewing the complaint as required for an in forma pauperis action, the court found no basis at that time to dismiss it as frivolous.

PROCEDURAL HISTORY

The court reviewed Plaintiff Allan Joy's application, financial affidavit, complaint, and motion for electronic filing. The court found Joy indigent, granted in forma pauperis status, ordered filing and service of process, screened the complaint under 28 U.S.C. § 1915(e)(2), and determined that the action should not be dismissed as frivolous at that time. The court also granted permission to file electronically.

DISPOSITION

other

CASES CITED

- Moore v. McDonald, 30 F.3d 616, 621 (5th Cir. 1994)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION
ALLAN JOY, § Plaintiff § § v. § No. 1:25-CV-01804-ADA § COMMISSIONER OF SOCIAL §
SECURITY, § Defendant § ORDER ON IN FORMA PAUPERIS STATUS Before the Court is
Plaintiff Allan Joy's application to proceed in forma pauperis and financial affidavit in support and
complaint. See Dkt. 2. Also before the Court is Joy's pro se motion for permission to file
electronically.

Dkt. 3. The undersigned has reviewed Joy's financial affidavit and determined that he is indigent
and should be granted leave to proceed in forma pauperis, without prepayment of fees.
Accordingly, the Court hereby ORDERS Joy's request to proceed in forma pauperis, Dkt. 2, is
GRANTED.

The Clerk of the Court shall file Joy's complaint without prepayment of fees or costs or giving
security therefor pursuant to 28 U.S.C. § 1915(a). This indigent status is granted subject to a later
determination the action should be dismissed if the allegation of poverty is untrue or the action is
found frivolous or malicious pursuant to 28 U.S.C. § 1915(e).

Joy is further advised, although he has been granted leave to proceed in forma pauperis, a court
may, in its discretion, impose costs of court at the conclusion of this lawsuit, as in other cases. See
Moore v. McDonald, 30 F.3d 616, 621 (5th Cir. 1994).

The Court FURTHER ORDERS the Clerk of the Court to issue summons and the United States
Marshal to commence service of process, including service of Caldwell's complaint upon the
named defendants under Rules 4 and 5 of the Federal Rules of Civil Procedure.

Because Joy has been granted leave to proceed in forma pauperis, the Court is required by
standing order to review his Complaint under §1915(e)(2). After reviewing Joy's Complaint, the
Court has determined that this case should not be dismissed as frivolous at this time.

However, the Court cautions Joy that the Court may make a determination in the future that the
action should be dismissed because the allegation of poverty is untrue or the action is frivolous or
malicious pursuant to 28 U.S.C. § 1915(e). Joy is further advised that, although he has been
granted leave to proceed in forma pauperis, the Court may, in its discretion, impose costs of court
against him at the conclusion of this lawsuit, as in other cases.

See Moore, 30 F.3d at 621. The Court FINALLY ORDERS Joy's request for permission to file electronically in this matter, Dkt. 3, is GRANTED. Joy is instructed to review the Court's Administrative Policies and Procedures for Electronic Filing, and is reminded that under Section 6(h) of those Policies and Procedures, "if it is determined by the Court that the Filing User is abusing the privilege to electronically file documents or is consistently error prone in electronic filing, the Filing User's registration may be rescinded." SIGNED November 24, 2025.

DUSTIN M. HOWELL UNITED STATES MAGISTRATE JUDGE