

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON

Jeremiah Young v. Barbara P. Gorman, et al.

Young · No. 3:26-cv-43 · Decided February 23, 2026

SUMMARY

The United States District Court for the Southern District of Ohio issued a deficiency order in Jeremiah Young’s prisoner civil rights action. The court ordered Young to pay the filing and administrative fees or submit a completed in forma pauperis application and certified six-month prison account statement within 30 days, warning that failure to comply would result in dismissal for want of prosecution.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Peter B. Silvain, Jr.
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	February 23, 2026
DOCKET	3:26-cv-43
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a prisoner proceeding on a civil-rights complaint, submitted an incomplete motion to proceed in forma pauperis. The court issued a deficiency order requiring him either to pay the filing and administrative fees or submit the required application and certified prison-account statement.
PRECEDENTIAL VALUE	nonprecedential trial-court deficiency order
PARTIES	Jeremiah Young v. Barbara P. Gorman, et al.

TOPICS

- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a prisoner seeking to proceed in forma pauperis must submit the court's required application and affidavit together with a certified six-month prison trust-account statement under 28 U.S.C. § 1915(a)(2).
2. Whether the plaintiff should be given an opportunity to cure an incomplete in forma pauperis submission before the case is dismissed.

HOLDINGS

1. A prisoner seeking to bring a civil action without prepayment of fees must submit a completed application and affidavit and a certified copy of the prison trust-fund account statement, or institutional equivalent, for the six-month period preceding the filing of the complaint.
2. The plaintiff must, within thirty days, either pay the required filing and administrative fees or submit a completed in forma pauperis application with the required certificate and certified six-month account statement; failure to comply will result in dismissal for want of prosecution.

KEY QUOTATIONS

“Accordingly, should Plaintiff wish to proceed with this matter, Plaintiff is ORDERED to, within thirty (30) days of the date of this Order, pay \$405 (\$350 filing fee plus \$55 administrative fee) or submit a completed Application and Affidavit By Incarcerated Person to Proceed Without Prepayment of Fees form, including a “Certificate” page (page 8 of the Application and Affidavit By Incarcerated Person to Proceed Without Prepayment of Fees form that is used in this Court, completed and signed by the institutional cashier), and a certified copy of his prison trust fund account statement (or institutional equivalent) for the preceding six-month period.”

FACTUAL BACKGROUND

Jeremiah Young is incarcerated at the Marion Correctional Institution and filed a civil-rights complaint with a request to proceed without prepaying fees. His in forma pauperis submission was incomplete, was not made on the court's official form for incarcerated persons, and did not include the required institutional cashier certificate or certified account statement for the preceding six months.

PROCEDURAL HISTORY

Jeremiah Young filed a civil-rights complaint and a motion for leave to proceed in forma pauperis. The court determined that the motion was not on the required incarcerated-person form and lacked the required certificate and certified six-month trust-account statement. The court ordered Young to cure the deficiencies within thirty days and warned that failure to do so would result in dismissal for want of prosecution.

DISPOSITION

CASES CITED

- In re Prison Litigation Reform Act, 105 F.3d 1131 (6th Cir. 1997)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT DAYTON JEREMIAH YOUNG,; Case No. 3:26-cv-43 Plaintiff,; District Judge Michael J. Newman vs.: Magistrate Judge Peter B. Silvain, Jr. BARBARA P. GORMAN, et al.,; Defendants.: DEFICIENCY ORDER Plaintiff, a prisoner at the Marion Correctional Institution, has filed a motion for leave to proceed in forma pauperis in connection with a civil rights complaint.

(Doc. #1). However, Plaintiff's motion is incomplete and is not made on this Court's official form for incarcerated persons. *Id.* Pursuant to the Prison Litigation Reform Act of 1995 (PLRA), 28 U.S.C. § 1915(a)-(h), a prisoner seeking to bring a civil action without prepayment of fees or security therefor must submit an application and affidavit to proceed without prepayment of fees and a certified copy of their trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint obtained from the cashier of the prison at which the prisoner is or was confined.

28 U.S.C. § 1915(a)(2). In this case, Plaintiff did not complete this Court's official form for incarcerated persons, and his motion does not include either a "Certificate" page (page 8 of the Application and Affidavit By Incarcerated Person to Proceed Without Prepayment of Fees form that is used in this Court, completed and signed by the institutional cashier) or a certified account statement.

Accordingly, should Plaintiff wish to proceed with this matter, Plaintiff is ORDERED to, within thirty (30) days of the date of this Order, pay \$405 (\$350 filing fee plus \$55 administrative fee) or submit a completed Application and Affidavit By Incarcerated Person to Proceed Without Prepayment of Fees form, including a "Certificate" page (page 8 of the Application and Affidavit By Incarcerated Person to Proceed Without Prepayment of Fees form that is used in this Court, completed and signed by the institutional cashier), and a certified copy of his prison trust fund account statement (or institutional equivalent) for the preceding six-month period.

If Plaintiff fails to comply with this Order, the Court shall dismiss his case for want of prosecution. *In re Prison Litigation Reform Act*, 105 F.3d 1131 (6th Cir. 1997). If Plaintiff's case is dismissed for failure to comply with this Order, the case will not be reinstated to the Court's active docket despite the payment of the filing fee. *Id.* Should Plaintiff need additional time to comply with this Order, he should file a motion for an extension of time.

The CLERK OF COURT is DIRECTED to provide Plaintiff with an Application and Affidavit By Incarcerated Person to Proceed Without Prepayment of Fees form. The CLERK OF COURT is further DIRECTED to send a copy of this Order to the cashier of the institution at which Plaintiff is confined. IT IS SO ORDERED. February 23, 2026 s/Peter B. Silvain, Jr. Peter B. Silvain, Jr. United States Magistrate Judge