

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS**

Jordan Michael Davis v. Kayla Potts, Officer, et al.

Davis v. Potts · No. 4:25-cv-00429-LPR · Decided January 9, 2026

SUMMARY

The United States District Court for the Eastern District of Arkansas denies Jordan Davis's motion to proceed in forma pauperis, finding that his income and savings do not establish indigency. The court also denies his motion for appointed counsel without prejudice and orders him to pay the \$405 filing fee within 30 days, warning that failure to do so will result in dismissal without prejudice.

OPINION

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION JORDAN MICHAEL DAVIS PLAINTIFF v. Case No. 4:25-cv-00429-
LPR KAYLA POTTS, Officer, et al. DEFENDANTS ORDER Before the Court is Plaintiff Jordan
Davis's Motion for Leave to Proceed in forma pauperis.¹ "The in forma pauperis statute, 28
U.S.C. § 1915, is designed to ensure 'that indigent persons will have equal access to the judicial
system.'"² Whether an applicant qualifies for IFP status, however, "is within the sound discretion
of the trial court...."³ Mr. Davis's IFP application reflects that he has a monthly take-home pay of
\$2,684, savings totaling \$3,500, minimal expenses, and no dependents.⁴ Thus, neither his
earnings nor his savings entitle him to be treated as indigent and excused from paying the \$405
filing fee.

Mr. Davis's Motion for Leave to Proceed in forma pauperis (Doc. 1) is DENIED. Mr. Davis also
moves for the appointment of counsel.⁵ While a pro se litigant has no constitutional or statutory
right to counsel, the Court may, in its discretion, appoint counsel where an indigent plaintiff has
brought a non-frivolous claim and "the nature of the litigation is such that plaintiff as well as the
court will benefit from the assistance of counsel."⁶ In making this decision, 1 Mot. for Leave to
Proceed in forma pauperis (Doc.

1). 2 Lee v. McDonald's Corp., 231 F.3d 456, 458 (8th Cir. 2000) (quoting Greaser v. Mo. Dep't
of Corr., 145 F.3d 979, 985 (8th Cir. 1998)). 3 Id. (quoting Cross v. Gen. Motors Corp., 721 F.2d
1152, 1157 (8th Cir. 1983)). 4 Mot. for Leave to Proceed in forma pauperis (Doc. 1). 5 Mot. for
Appointment of Counsel (Doc. 3). 6 Patterson v. Kelley, 902 F.3d 845, 850 (8th Cir.

2018) (quoting Johnson v. Williams, 788 F.2d 1319, 1322 (8th Cir. 1986)). the Court considers
"the factual complexity of the issues, the ability of the indigent person to investigate the facts, the
existence of conflicting testimony, the ability of the indigent person to present the claims, and the

complexity of the legal arguments.”” The appointment of counsel hinges on indigency, but the Court has found that Mr. Davis is not indigent.

Moreover, the Court finds that Mr. Davis is capable of representing himself at this time. This case is young, and his claims do not appear to be legally or factually complex. Mr. Davis’s Motion for Appointment of Counsel (Doc. 3) is therefore DENIED without prejudice to re-filing at a later stage of litigation. Mr. Davis has thirty (30) days from the date of this Order to pay the full filing fee of \$405.00.

If he fails to pay the filing fee, his Complaint will be dismissed without prejudice. Mr. Davis is further advised that he will be responsible, once the filing fee is paid, for obtaining service of process on the named Defendants.® IT IS SO ORDERED this 9th day of January 2026. UNITED STATES DISTRICT JUDGE 7 Id. (quoting Phillips v. Jasper Cnty. Jail, 437 F.3d 790, 794 (8th Cir.

2006). 8 By issuing this decision, the Court implicitly GRANTS Mr. Davis’s Motion for Ruling (Doe. 6), which asks that the Court rule on Mr. Davis’s IFP motion and his motion for counsel.