

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA

Kevin Hardaway v. Nurse Clackton; Warden Bragg; Nurse Daniels;
Centurion Inc.; and Johnson State Prison

Hardaway · No. CV 325-105 · Decided December 23, 2025

SUMMARY

A magistrate judge recommends dismissal without prejudice of Kevin Hardaway’s prisoner civil-rights action because he failed to submit the required trust-fund account statement and consent-to-collection forms and did not pay the filing fee. The recommendation also advises closing the civil action.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia
JURISDICTION	United States District Court for the Southern District of Georgia
DECIDED	December 23, 2025
DOCKET	CV 325-105
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, requested leave to proceed in forma pauperis in a prisoner civil-rights action. After Plaintiff failed to submit the required prison account statement and consent-to-collection forms or pay the full filing fee, the magistrate judge issued a Report and Recommendation recommending dismissal without prejudice and closure of the case.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

prisoners rights civil procedure

PRACTICE AREAS

Civil procedure Prisoner civil rights In forma pauperis proceedings

QUESTIONS PRESENTED

- Whether a prisoner who neither submits the documents required to proceed in forma pauperis nor pays the full filing fee may have the action dismissed without prejudice after being warned that

noncompliance would result in dismissal.

HOLDINGS

1. A prisoner may not proceed in forma pauperis unless he submits the required Prisoner Trust Fund Account Statement and consents to collection of the full filing fee in installments; because Plaintiff did neither, dismissal without prejudice was recommended.

KEY QUOTATIONS

“Plaintiff cannot proceed IFP unless he submits the requisite Trust Fund Account Statement and consents to collection of the entire \$350.00 filing fee in installments.”

“As Plaintiff has neither fulfilled the requirements for proceeding IFP, nor paid the full filing fee, the Court REPORTS and RECOMMENDS this case be DISMISSED without prejudice and this civil action be CLOSED.”

FACTUAL BACKGROUND

Kevin Hardaway was incarcerated at Johnson State Prison in Wrightsville, Georgia, when he commenced this pro se action against prison-related defendants. He sought to proceed in forma pauperis but did not return the required trust-account statement and consent-to-collection forms after being ordered to do so. He also did not pay the full filing fee or explain his failure to comply.

PROCEDURAL HISTORY

Plaintiff commenced the action and sought in forma pauperis status. On November 4, 2025, the Court ordered him to submit the required Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty days and warned that failure to comply would be treated as an election to have the case voluntarily dismissed without prejudice. Plaintiff did not comply, and the magistrate judge recommended dismissal and closure of the civil action.

DISPOSITION

other

CASES CITED

- Wilson v. Sargent, 313 F.3d 1315, 1319, 1321 (11th Cir. 2002)

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