

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)

## OPINION

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

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

KEVIN HARDAWAY, )

) Plaintiff, ) ) v. ) CV 325-105 )

NURSE CLACKTON; WARDEN BRAGG; )

NURSE DANIELS; CENTURION INC.; )

and JOHNSON STATE PRISON, )

) Defendants. )

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, incarcerated at Johnson State Prison in Wrightsville, Georgia, commenced the above-captioned case pro se and requested permission to proceed in forma pauperis ("IFP"). On November 4, 2025, the Court directed Plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty days and advised Plaintiff all prisoners, even those proceeding IFP, must pay the filing fee of \$350.00 in full. 28 U.S.C. § 1915(b)(1); (see doc. no. 3.) Plaintiff was cautioned failure to respond would be an election to have this case voluntarily dismissed without prejudice. (Id. at 4.) The time to respond has passed, and Plaintiff has not submitted the documents required by the Court's November 4th Order. Nor has he provided the Court with any explanation why he has not complied. 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. *Wilson v. Sargent*, 313 F.3d 1315, 1319, 1321 (11th Cir. 2002) (citing 28 U.S.C. § 1915). Plaintiff has been warned that failing to return the necessary IFP papers would be an election to have his case voluntarily dismissed. 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. SO REPORTED and RECOMMENDED this 23rd day of December, 2025, at Augusta, Georgia.

UNITED STATES MAGISTRATE JUDGE

SOUTHERN DISTRICT OF GEORGIA