

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, PEORIA DIVISION

James Anderson, III v. Sarah Duffy as Circuit Court Judge McLean
County, Michelle Mosby-Scott, Michael Nichols, McLean County
Circuit Clerks Office, John/Jane Doe Court Staff

Anderson · No. 1:25-cv-01485-JEH-RLH · Decided December 5, 2025

SUMMARY

The United States District Court for the Central District of Illinois denied James Anderson III's motion to proceed in forma pauperis because the application indicated that he could pay the filing fee. The court also dismissed the complaint without prejudice after finding that the allegations were frivolous and insufficient to state a claim. Anderson was directed to pay the filing fee and was granted twenty-one days to amend; his motions for appointed counsel and a temporary restraining order were denied as moot, with leave to renew.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Peoria Division
WRITING FOR THE COURT	Jonathan E. Hawley
JURISDICTION	United States District Court for the Central District of Illinois, Peoria Division
DECIDED	December 5, 2025
DOCKET	1:25-cv-01485-JEH-RLH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved to proceed in forma pauperis, requested appointment of counsel, and sought an emergency temporary restraining order. The district court screened the complaint under 28 U.S.C. § 1915(e)(2), denied in forma pauperis status, dismissed the complaint without prejudice, and granted leave to amend.
STANDARD OF REVIEW	The complaint was liberally construed because Plaintiff proceeded pro se and screened under 28 U.S.C. § 1915(e)(2). Factual frivolousness is assessed by whether allegations are clearly baseless, irrational, fanciful, delusional, or wholly incredible.

PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	James Anderson, III v. Sarah Duffy as Circuit Court Judge McLean County, Michelle Mosby-Scott, Michael Nichols, McLean County Circuit Clerks Office, John/Jane Doe Court Staff

TOPICS

civil procedure pleadings motions to dismiss section 1983 due process

PRACTICE AREAS

civil rights federal civil procedure in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated indigency sufficient to proceed in forma pauperis.
2. Whether the complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2) because the allegation of poverty appeared untrue and the allegations were frivolous.
3. Whether the motions for appointment of counsel and an emergency temporary restraining order remained viable after dismissal of the complaint.

HOLDINGS

1. Plaintiff failed to demonstrate indigency because his application disclosed substantial assets and other available resources; therefore, the court denied leave to proceed in forma pauperis and required payment of the filing fee.
2. The complaint was factually frivolous because its allegations were fanciful, delusional, clearly baseless, and lacked an arguable basis in law or fact; the complaint was therefore dismissed without prejudice.
3. The motion to request counsel and the emergency motion for a temporary restraining order were denied as moot, with leave to renew.

KEY QUOTATIONS

“The federal in forma pauperis statute, [28 U.S.C. § 1915], is designed to ensure that indigent litigants have meaningful access to the federal courts.” (Section I)

“A complaint is factually frivolous if the allegations are clearly baseless, irrational, fanciful, delusional, or wholly incredible.” (Section I.B)

FACTUAL BACKGROUND

Anderson sued a McLean County circuit judge, two attorneys, the McLean County Circuit Clerk's Office, and unidentified court staff based on allegations involving due process, attorney fees, a marital estate, and the loss of his spouse. He alleged that the defendants caused civil-rights violations, financial ruin, and related personal harms, but provided no specific factual allegations against the clerk's office or Doe court staff beyond references

to attached materials. His in forma pauperis application stated that he had \$3,000 in checking or savings, a marital home valued at \$240,000, and was seemingly owed \$86,000.

PROCEDURAL HISTORY

Anderson filed a civil-rights complaint and an application to proceed in forma pauperis. The court determined that the application showed sufficient assets and income-related resources to pay the filing fee, and it also found the complaint's allegations frivolous and clearly baseless. The court denied leave to proceed in forma pauperis, required payment of the filing fee within twenty-one days, dismissed without prejudice, and denied the motions for counsel and a temporary restraining order as moot with leave to renew.

DISPOSITION

dismissed

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Luevano v. Wal-Mart Stores, Inc., 722 F.3d 1014, 1022 (7th Cir. 2013)
- Lofton v. SP Plus Corp., 578 F. App'x 603, 604 (7th Cir. 2014)
- Effinger v. Monterrey Security Consultants, 546 F. Supp. 3d 715, 717, 720 (N.D. Ill. 2021)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Felton v. City of Chicago, 827 F.3d 632, 635 (7th Cir. 2016)
- Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)
- Heard v. Blagojevich, 216 F. App'x 568, 570 (7th Cir. 2007)
- Smith-Bey v. Hospital Administrator, 841 F.2d 751, 759 (7th Cir. 1988)

OPINION

IN THE UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS PEORIA DIVISION JAMES ANDERSON, III, Plaintiff, v. Case No. 1:25-cv-01485-JEH-RLH SARAH DUFFY as Circuit Court Judge McLean County, MICHELLE MOSBY-SCOTT, MICHAEL NICHOLS, McLEAN COUNTY CIRCUIT CLERKS OFFICE, JOHN/JANE DOE COURT STAFF Defendants. Order Now before the Court is the Plaintiff's Motion for Leave to Proceed in forma pauperis (D.

2), Motion to Request Counsel (D. 3), and Emergency Motion for Temporary Restraining Order (D. 4).¹ For the reasons set forth infra, the Court denies the Motion for Leave to Proceed in forma pauperis (D. 2) and dismisses the Complaint without prejudice.

The Plaintiff is instructed to pay the filing fee in this case and shall have leave to amend the Complaint within twenty-one days of this Order. The Motion to Request Counsel (D. 3) and Emergency Motion for Temporary Restraining Order (D. 4) are denied as moot with leave to

renew. I “The federal in forma pauperis statute, [28 U.S.C. § 1915], is designed to ensure that indigent litigants have meaningful access to the federal courts.” 1 Citations to the electronic docket are abbreviated as “D. ____ at ECF p. ____.” *Neitzke v. Williams*, 490 U.S. 319, 324 (1989).

Section 1915(e) directs a court to screen a complaint when filed together with a request to proceed IFP. *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1022 (7th Cir. 2013). A court shall dismiss a case at any time if: 1) the allegation of poverty is untrue; 2) the action is frivolous or malicious; 3) the action fails to state a claim on which relief may be granted; or 4) the action seeks monetary relief against an immune defendant.

28 U.S.C. § 1915(e)(2). A “Proceeding in forma pauperis is a privilege, and courts depend on the plaintiff’s honesty in assessing [his] ability to pay.” *Lofton v. SP Plus Corp.*, 578 F. App’x 603, 604 (7th Cir. 2014).

In this case, the Plaintiff has not demonstrated indigency. To the contrary, his Application states that he has \$3,000 in checking or savings, a marital home valued at \$240,000, and is seemingly owed an outstanding \$86,000. (D. 2 at ECF p. 2).

Because the Court finds the Plaintiff has the ability to pay the filing fee in this case, the Court denies the Motion for Leave to Proceed in forma pauperis (D. 2) and instructs the Plaintiff to pay the filing fee within twenty- one days. Given the Plaintiff’s allegation of poverty appears to be untrue, that alone may be enough to warrant the dismissal of this case.

See *Effinger v. Monterrey Sec. Consultants*, 546 F. Supp. 3d. 715, 717 (N.D. Ill. 2021) (“The statutory sanction for abusing the privilege is mandatory dismissal.”); see also 28 U.S.C. § 1915(e)(2)(A) (“[T]he court shall dismiss the case at any time if the court determines that... the allegation of poverty is untrue.”).

However, “several courts have observed that the statutory criterion for dismissal—falsity of the plaintiff’s ‘allegation of poverty’—is ambiguous.” *Id.* at 720. Therefore, the Court continues its analysis for purposes of screening the Complaint. See *Luevano*, 722 F.3d at 1022. B Here, the Plaintiff is suing Sarah Duffy, Circuit Court Judge in McLean County, Michael Nichols, as “previous” attorney, Michelle Mosby-Scott, as “respondent” attorney, the McLean County Clerks Office, and Jane/John Doe Court Staff.

(D. 1 at ECF p. 1-3). As against Sarah Duffy, Plaintiff alleges “Color of Rights, Constitution Rights, Due Process To Stop Until DOJ Review is Completed.” *Id.* at ECF p. 2. As against Michael Nichols, Plaintiff alleges “Fees Paid And Court Denies Damages.” *Id.* As against Michelle Mosby-Scott, Plaintiff alleges “Marital Estate Directed Spouse Mental Disorder Splitting \$400 for 20 min Phone Call + More.” *Id.* at ECF p. 3.

Plaintiff does not allege any additional specific facts against the McLean County Clerks Office or John/Jane Doe Court Staff other than “I have attached motions, affidavit with exhibits.”² Id. at ECF p. 4-6. He further states that the Defendants caused the violation of various civil rights, financial ruin, and the loss of his twenty-year spouse. Id. at ECF p. 6.

Even construing the Plaintiff’s Complaint liberally, as the Court must given his pro se status, the Plaintiff’s allegations are frivolous. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (providing that a pro se complaint “must be held to less stringent standards than formal pleadings drafted by lawyers[]”). “A complaint is factually frivolous if the allegations are clearly baseless, irrational, fanciful, delusional, or wholly incredible.” *Felton v. City of Chi.*, 827 F.3d 632, 635 (7th Cir.

2016) (quoting *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992)). Here, the Plaintiff’s Complaint is filled with fanciful and delusional allegations that are clearly baseless because they lack an arguable basis in law or fact. See *Heard v. Blagojevich*, 216 F. App’x 568, 570 (7th Cir. 2007). Consistent with this determination, the Court is mindful of the fact that “[t]he protections built in the in forma pauperis system would be meaningless if persons were allowed to proceed in forma pauperis with complaints that do not supply sufficient facts from which a reasonable inference could be made that the 2 The Court is obligated to screen the Complaint under 28 U.S.C. § 1915(e) (2)(A).

Plaintiff cannot end-run this screening process by relying on other documents or attachments not included within the four corners of the Complaint and ask the Court to “invent factual scenarios that cannot be reasonably inferred from the pleadings.” *Smith-Bey v. Hosp. Adm’r.*, 841 F.2d 751, 759 (7th Cir. 1988). rights of the petitioner were violated.” *Smith-Bey v. Hosp.*

Adm’r., 841 F.2d 751, 759 (7th Cir. 1988). II For the reasons set forth supra, the Court denies the Motion for Leave to Proceed in forma pauperis (D. 2) and dismisses the Complaint without prejudice. The Plaintiff is instructed to pay the filing fee in this case and shall have leave to amend the Complaint within twenty-one days of this Order.

The Motion to Request Counsel (D. 3) and Emergency Motion for Temporary Restraining Order (D. 4) are denied as moot with leave to renew. It is so ordered. Entered on December 5, 2025 s/Jonathan E. Hawley U.S. DISTRICT JUDGE