

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, ROCK ISLAND DIVISION

Powers v. Osmundson

No. 4:25-cv-04236-JEH (C.D. Ill. Jan. 5, 2026) · No. 4:25-cv-04236-JEH · Decided January 5, 2026

SUMMARY

The United States District Court for the Central District of Illinois denied Thomas Powers's motion to proceed in forma pauperis because the Seventh Circuit had restricted his ability to proceed in forma pauperis in new federal cases. The court dismissed the action without prejudice for failure to pay the filing fee and permitted Powers to move to reopen within 14 days if he paid the fee or obtained an order lifting the filing restriction.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Rock Island Division
WRITING FOR THE COURT	Jonathan E. Hawley
JURISDICTION	United States District Court for the Central District of Illinois, Rock Island Division
DECIDED	January 5, 2026
DOCKET	4:25-cv-04236-JEH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a 42 U.S.C. § 1983 complaint and moved to proceed in forma pauperis. The district court denied IFP status and dismissed the action without prejudice because Plaintiff remained subject to a Seventh Circuit filing-fee restriction and had not paid the required filing fee.
PRECEDENTIAL VALUE	Unknown
PARTIES	Thomas Powers v. Kurt Osmundson

TOPICS

- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff could proceed in forma pauperis despite an unresolved Seventh Circuit filing ban.
2. Whether the action should be dismissed without prejudice when Plaintiff did not pay the required filing fee and did not demonstrate authorization to proceed in forma pauperis.

HOLDINGS

1. Plaintiff was not permitted to proceed in forma pauperis because the Seventh Circuit filing ban remained in effect and Plaintiff did not demonstrate that the ban had been lifted or that the Seventh Circuit had otherwise authorized IFP status.
2. The case was dismissed without prejudice because Plaintiff failed to pay the required \$405 filing fee after being denied IFP status.

KEY QUOTATIONS

“Without taking any position on the validity of Plaintiff’s allegations or if his Complaint states a claim upon which relief can be granted, the Court dismisses this case because the United States Court of Appeals for the Seventh Circuit has restricted Plaintiff from proceeding IFP on any new lawsuits that he files in federal district courts within this Circuit.” (Order at 2)

FACTUAL BACKGROUND

Thomas Powers, a civil detainee at the Rushville Treatment and Detention Facility, sued Dr. Kurt Osmundson under 42 U.S.C. § 1983 for alleged constitutional violations. Powers sought to proceed without paying the \$405 filing fee. A prior Seventh Circuit filing restriction barred Powers from proceeding in forma pauperis in new federal cases unless the restriction was lifted or the court otherwise authorized IFP status, and the district court verified that the restriction remained in effect.

PROCEDURAL HISTORY

On December 30, 2025, Thomas Powers filed the complaint and an IFP motion instead of paying the \$405 filing fee. The court verified that the Seventh Circuit had not lifted Powers's filing ban and that Powers had not shown that he was authorized to proceed IFP. The court dismissed the case without prejudice, permitted a motion to reopen within 14 days if accompanied by the filing fee or proof that the Seventh Circuit had lifted the ban, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- In re City of Chicago, 500 F.3d 582, 583 (7th Cir. 2007)

- Support Sys. Int'l, Inc. v. Mack, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam)
- Powers v. Wilcoxon, Seventh Circuit Case No. 19-2478
- Powers v. McCoy, Seventh Circuit Case No. 19-2804

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS
 ROCK ISLAND DIVISION THOMAS POWERS, Plaintiff, v. Case No. 4:25-cv-04236-JEH
 KURT OSMUNDSON, Defendant. Order On December 30, 2025, Plaintiff Thomas Powers, who is civilly detained at the Rushville Treatment and Detention Facility, filed a Complaint under 42 U.S.C. § 1983 alleging Defendant Dr. Kurt Osmundson violated his constitutional rights.

(Doc. 1). Instead of paying the \$405 filing fee, Plaintiff filed a Motion for Leave to Proceed in forma pauperis (“IFP”) indicating that he lacks sufficient funds to pay the filing fee. (Doc. 3). However, the Seventh Circuit has restricted Plaintiff’s ability to proceed IFP in any new case he files. Specifically, on October 24, 2022, the Seventh Circuit noted as follows: [Plaintiff] has not shown that he has made his best efforts to pay his outstanding fees or that he will refrain from the actions that led to the filing bar.

If Powers, no earlier than two years from the date of this order and despite his best efforts is unable to pay in full all outstanding filing fees, he is authorized to submit to this court another motion to modify or rescind the filing bar. See *In re City of Chicago*, 500 F.3d 582, 583 (7th Cir. 2007); *Support Sys. Int’l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir.

1995) (per curiam). If [Plaintiff] chooses to file another motion to rescind or modify the filing bar in two years, he should include a copy of his resident account statement showing all transactions to and from his account for the prior six months and explain: (1) what efforts he has taken to pay his outstanding fees, (2) whether he intends to comply with the district court’s instructions in 19-cv-4090 to inform that court of any outstanding court fees if he files any lawsuits in the future, and (3) whether he intends to fully disclose all settlement payments, gifts, and money received from other sources when he seeks to proceed in forma pauperis in any court.

Powers v. Wilcoxon, Seventh Circuit Case No. 19-2478. On November 22, 2024, the Seventh Circuit denied Plaintiff’s motion to rescind his filing ban until he pays all outstanding fees and costs owed by him, extending his filing fee ban for an additional two years. *Powers v. McCoy*, Seventh Circuit Case Number 19-2804. (Doc. 5).

In so doing, the Seventh Circuit noted: “Appellant Thomas Powers again has not shown that he will refrain from the actions that led to the restriction on proceeding in forma pauperis in any case or appeal until he pays all outstanding fees and costs.” *Id.* at p. 2. This Court consulted the Seventh Circuit’s filing system and verified the Seventh Circuit has not lifted Plaintiff’s filing ban.

In addition, Plaintiff did not demonstrate to this Court that the Seventh Circuit lifted his ban or otherwise authorized him to obtain IFP status in order to file this lawsuit. Without taking any position on the validity of Plaintiff's allegations or if his Complaint states a claim upon which relief can be granted, the Court dismisses this case because the United States Court of Appeals for the Seventh Circuit has restricted Plaintiff from proceeding IFP on any new lawsuits that he files in federal district courts within this Circuit.

IT IS THEREFORE ORDERED: 1) Plaintiff's Motion for Leave to Proceed in forma pauperis [3] is DENIED. 2) This case is DISMISSED WITHOUT PREJUDICE based upon Plaintiff's failure to pay the required \$405.00 filing fee. 3) Plaintiff may move to re-open this case within 14 days from the date of this Order. If he moves to re-open this case, Plaintiff's motion must be accompanied by the \$405.00 filing fee or an Order from the Seventh Circuit demonstrating that the Seventh Circuit has lifted its IFP ban.

Otherwise, this case will remain closed. 4) The Clerk of the Court is DIRECTED to close this case. No judgment to enter. It is so ordered. Entered: January 5, 2026 s/Jonathan E. Hawley U.S. District Judge