

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Kirsten Randall v. Walmart

Civil Action No. 5:26-CV-57 (MTT) · No. 5:26-CV-57 (MTT) · Decided February 19, 2026

SUMMARY

The United States District Court for the Middle District of Georgia grants Kirsten Randall’s motion to proceed in forma pauperis in her Title VII action against Walmart. The court finds that her allegations of wrongful termination, sex discrimination, and harassment are insufficiently detailed but allows her to amend the complaint by March 5, 2026. The order also explains her obligations under Federal Rule of Civil Procedure 11 and requires disclosure and verification of any artificial intelligence assistance used in drafting pleadings.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Marc T. Treadwell
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	February 19, 2026
DOCKET	5:26-CV-57 (MTT)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an employment-discrimination action and moved to proceed in forma pauperis. The district court granted the IFP motion but ordered plaintiff to amend her complaint because the allegations were insufficient to state viable claims.
STANDARD OF REVIEW	For IFP eligibility, the court determines whether the affidavit satisfies the statutory poverty requirement by comparing the applicant's assets and liabilities. For screening under 28 U.S.C. § 1915(e)(2)(B)(ii), the same standard applies as under Federal Rule of Civil Procedure 12(b) (6), requiring sufficient factual matter to state a plausible claim.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Kirsten Randall v. Walmart

TOPICS

civil procedure

motions to dismiss

employment discrimination

title vii

retaliation

PRACTICE AREAS

civil procedure

employment law

civil rights

Title VII

QUESTIONS PRESENTED

1. Whether Randall satisfied the poverty requirement for proceeding in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether the complaint was frivolous or failed to state a claim under 28 U.S.C. § 1915(e)(2)(B).
3. Whether Randall's allegations adequately stated a Title VII sex-discrimination claim.
4. Whether Randall should be given an opportunity to amend her pro se complaint.
5. Whether the court could require disclosure and verification of artificial-intelligence use in future pleadings.

HOLDINGS

1. Randall's IFP affidavit established that she could not pay the court fees without undue hardship, so the court granted her motion to proceed in forma pauperis.
2. The complaint failed to state a Title VII sex-discrimination claim because its allegations were thin and conclusory and did not connect the alleged harassment, retaliation, or termination to discrimination based on sex.
3. Because Randall was proceeding pro se and her complaint might state a claim if more carefully drafted, the court required her to amend rather than dismissing the action at that point.
4. After granting IFP status, the court was required to review the complaint and dismiss it if it was frivolous, failed to state a claim, or sought monetary relief from an immune defendant.

KEY QUOTATIONS

“Thus, Randall’s motion to proceed IFP (ECF 2) is GRANTED.” (Section I.A)

“Thus, Randall has failed to state a claim for sex discrimination under Title VII.” (Section I.B)

“Randall’s motion to proceed IFP (ECF 2) is GRANTED, and Randall is ORDERED to amend her complaint no later than March 5, 2026.” (Section II)

FACTUAL BACKGROUND

Randall, proceeding pro se, sued her former employer, Walmart, alleging wrongful termination, sex discrimination, and harassment under Title VII. She alleged that she endured verbal and physical harassment from September through December 2025, reported the incidents to a supervisor, experienced retaliation, and was terminated without just cause. The court found that the allegations did not explain how she was harassed, who harassed her, to whom she reported the conduct, or how the conduct constituted sex discrimination.

PROCEDURAL HISTORY

Randall filed the action and an IFP motion on February 11, 2026. The court found that her affidavit established inability to pay court fees without undue hardship, granted IFP status, conducted the required frivolity review, determined that the complaint failed to adequately plead a Title VII sex-discrimination claim, and afforded her until March 5, 2026, to amend.

DISPOSITION

other

CASES CITED

- Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1306-08 (11th Cir. 2004)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Thomas v. Chattahoochee Judicial Circuit, 574 F. App'x 916, 917 (11th Cir. 2014)
- Phillips v. Mashburn, 746 F.2d 782, 785 (11th Cir. 1984)
- Mack v. Petty, 2014 WL 3845777, at *1 (N.D. Ga. Aug. 4, 2014)
- Carroll v. Gross, 984 F.2d 392, 393 (11th Cir. 1993)
- Thomas v. Harris, 399 F. App'x 508, 509 (11th Cir. 2010)
- Mitchell v. Farcass, 112 F.3d 1483, 1490 (11th Cir. 1997)
- Hughes v. Lott, 350 F.3d 1157, 1160 (11th Cir. 2003)
- Osahar v. U.S. Postal Service, 297 F. App'x 863, 864 (11th Cir. 2008)
- Coutu v. Martin County Board of County Commissioners, 47 F.3d 1068, 1074 (11th Cir. 1995)
- Duff v. Steub, 378 F. App'x 868, 872 (11th Cir. 2010) (per curiam)
- Schreane v. Middlebrooks, 522 F. App'x 845, 847-48 (11th Cir. 2013)
- Hoefling v. City of Miami, 811 F.3d 1271, 1277 (11th Cir. 2016)
- In re Galectin Therapeutics, Inc. Securities Litigation, 843 F.3d 1257, 1269 n.4 (11th Cir. 2016)
- Garfield v. NDC Health Corp., 466 F.3d 1255, 1261 (11th Cir. 2006)

OPINION

RANDALL

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

MACON DIVISION

KIRSTEN RANDALL,)

) Plaintiff,))

v.) CIVIL ACTION NO. 5:26-CV-57 (MTT)

)

WALMART,)

) Defendant.) _____)

ORDER

On February 11, 2026, Kirsten Randall, proceeding pro se, filed this action against Walmart, her former employer. ECF 1. That same day, she filed a motion to proceed in forma pauperis (“IFP”). ECF 2. For the following reasons, Randall’s motion to proceed IFP (ECF 2) is GRANTED. But Randall’s complaint lacks important factual allegations that she may have omitted because of her pro se status. Thus, the Court ORDERS Randall to amend her complaint by March 5, 2026.

I. DISCUSSION

A. Motion to Proceed IFP 28 U.S.C. § 1915(a) governs motions to proceed IFP. It provides: [A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.¹ 1 “Despite the statute’s use of the phrase ‘prisoner possesses,’ the affidavit requirement applies to all persons requesting leave to proceed IFP.” *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1306 n.1 (11th Cir. 2004). When considering a motion to proceed IFP filed under § 1915(a), “the only determination to be made by the court is whether the statements in the affidavit satisfy the requirement of poverty.” *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir. 2004) (citation modified). A plaintiff is not required to show she is “absolutely destitute.” *Id.* (quoting *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339

(1948)). Rather, “an affidavit will be held sufficient if it represents that the litigant, because of [her] poverty, is unable to pay for the court fees and costs, and to support and provide necessities for [her]self and [her] dependents.” *Id.* “A court may not deny an IFP motion without first comparing the applicant’s assets and liabilities in order to determine whether [s]he has satisfied the poverty requirement.” *Thomas v. Chattahoochee Jud. Cir.*, 574 F. App’x 916, 917 (11th Cir. 2014) (citing *Martinez*, 364 F.3d at 1307–08). However, § 1915(a) “should not be a broad highway into the federal courts.” *Phillips v. Mashburn*, 746 F.2d 782, 785 (11th Cir. 1984). Rather, it “conveys only a privilege to proceed without payment to only those litigants unable to pay costs without undue hardship.” *Mack v. Petty*, 2014 WL 3845777, at *1 (N.D. Ga. Aug. 4, 2014). District courts have “wide discretion” in deciding whether a plaintiff can proceed IFP, and “should grant the privilege sparingly,” especially in civil cases for damages. *Martinez*, 364 F.3d at 1306. The Court has reviewed Randall’s IFP affidavit. Randall’s affidavit establishes that she cannot pay the court fees without undue hardship. ECF 2. Thus, Randall’s motion to proceed IFP (ECF 2) is GRANTED. B. Frivolity Review Section 1915 does not create an absolute right to proceed IFP in civil actions. “Where the IFP affidavit is sufficient on its face to demonstrate economic eligibility, the court should first docket the case and then proceed to the question of whether the asserted claim is frivolous.” *Martinez*, 364 F.3d at 1307 (citation modified). When

allowing a plaintiff to proceed IFP, the Court shall dismiss the case if the Court determines that the complaint (1) “is frivolous or malicious;” (2) “fails to state a claim on which relief may be granted;” or (3) “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). A claim is frivolous if it “has little or no chance of success,” meaning that it appears “from the face of the complaint that the factual allegations are ‘clearly baseless’ or that the legal theories are ‘indisputably meritless.’” *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993). “A dismissal under § 1915(e)(2)(B)(ii) for failure to state a claim is governed by the same standard as a dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6).”² *Thomas v. Harris*, 399 F. App’x 508, 509 (11th Cir. 2010) (citing *Mitchell v. Farcass*, 112 F.3d 1483, 1490 (11th Cir. 1997)). However, because Randall is proceeding pro se, her “pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed.” *Hughes v. Lott*, 350 F.3d 1157, 1160 (11th Cir. 2003) (citation modified). Even so, “the district court does not

2 To avoid dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6), a complaint must contain sufficient factual matter to “state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). On a motion to dismiss, “all well-pleaded facts are accepted as true, and the reasonable inferences therefrom are construed in the light most favorable to the plaintiff.” *In re Galectin Therapeutics, Inc. Sec. Litig.*, 843 F.3d 1257, 1269 n.4 (11th Cir. 2016) (quoting *Garfield v. NDC Health Corp.*, 466 F.3d 1255, 1261 (11th Cir. 2006)). have license to rewrite a deficient pleading.” *Osahar v. U.S. Postal Serv.*, 297 F. App’x 863, 864 (11th Cir. 2008). Randall asserts claims against Walmart for wrongful termination, sex discrimination, and harassment under Title VII of the Civil Rights Act of 1964. ECF 1 at 4; 1-1 at 1. Randall alleges that from September 2025 to December 2025, she “endured harassment verbally and physically.” *Id.* According to Randall, she reported each incident of harassment to her supervisor, and “started being retaliated against.” *Id.* Randall alleges that she was later terminated “for no just cause.” *Id.* at 4. Randall’s three-sentence factual allegations are thin and largely conclusory. Randall fails to allege how she was harassed, who harassed her, to whom she reported the harassment, and how her supervisors’ actions constituted sex discrimination. While Randall has included statements from herself and other employers regarding her supervisors’ actions as exhibits to her complaint, the statements express concerns about “disrespectful and condescending” behavior and “favoritism,” not discrimination based on sex. ECF 1-4 at 5; 1-3 at 2; see *Coutu v. Martin Cnty. Bd. of Cnty. Comm’rs*, 47 F.3d 1068, 1074 (11th Cir. 1995) (“Unfair treatment, absent discrimination based on race, sex, or national origin, is not an unlawful employment practice under Title VII.”). Thus, Randall has failed to state a claim for sex discrimination under Title VII. However, given Randall’s pro se status, the Court will afford her an opportunity to amend her complaint to state viable claims. See *Duff v. Steub*, 378 F. App’x 868, 872 (11th Cir. 2010) (per curiam) (“When it appears a pro se plaintiff’s complaint, if more carefully drafted, might state a claim, the district court should give the pro se plaintiff an opportunity to amend [her] complaint instead of dismissing it.”). Accordingly, Randall is

ORDERED to amend her complaint to include all facts that she wishes to make a part of these proceedings and cite the appropriate statutory or constitutional authority for bringing her claims. Randall shall have until March 5, 2026 to file her amended complaint. In the “statement of claims” section of her amended complaint, Randall must link any claims she makes to a named defendant. If Randall fails to link a named defendant to a claim, the claim will be dismissed; if Randall makes no allegations in the body of her complaint against a named defendant, that defendant will be removed from the action. Randall must provide enough facts to plausibly demonstrate that each defendant’s actions or omissions resulted in the violation of her rights under a specific law. It is also recommended that, when drafting her “statement of claims,” Randall list numbered responses to the following questions (to the extent possible) along with the name of each defendant:

(1) What did each defendant do (or not do) to violate her rights?

(2) When did each action occur?

(3) How was Randall injured as a result of each defendant’s actions?

The amended complaint will take the place of and supersede Randall’s original complaint. *Schreane v. Middlebrooks*, 522 F. App’x 845, 847-48 (11th Cir. 2013). Randall may not refer to, or incorporate by reference, her previous complaint. The Court will not look back to the facts alleged in the original complaint once the amended complaint is filed; the Court will only consider the facts in the amended complaint when it conducts the frivolity review required by § 1915(e)(2)(B). *Hoefling v. City of Miami*, 811 F.3d 1271, 1277 (11th Cir. 2016) (holding that the filing of an amended pleading renders the previous pleading a “legal nullity”). C. Fed. R. Civ. P. 11 Obligations The Court informs Randall of her obligations under Rule 11 of the Federal Rules of Civil Procedure, particularly Rule 11(b), which governs Randall’s representations to the Court. By presenting to the court a pleading, written motion, or other paper— whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass,

cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by

existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so

identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or,

if specifically so identified, are reasonably based on belief or a lack of information. Fed. R. Civ. P. 11(b). D. Artificial Intelligence Finally, the Court has seen a marked increase in the use of artificial intelligence (“AI”) by unrepresented parties, who may not understand fully their pleading

obligations. To assist Randall in meeting her pleading obligations, the Court ORDERS the following: In all pleadings, including Randall's amended complaint, Randall shall include a signed statement fully disclosing the use of AI to assist in the preparation of and drafting of the pleading. The statement shall also certify that Randall has verified the accuracy of all facts and all legal authorities cited in the pleading. Failure to comply with this paragraph shall result in sanctions, including, if appropriate, dismissal of this lawsuit.

II. CONCLUSION

Pursuant to 28 U.S.C. § 1915 and for the reasons set forth above, Randall's motion to proceed IFP (ECF 2) is GRANTED, and Randall is ORDERED to amend her complaint no later than March 5, 2026. SO ORDERED, this 19th day of February, 2026. S/ Marc T. Treadwell

MARC T. TREADWELL, JUDGE

UNITED STATES DISTRICT COURT