

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

De'Andre Kendrick v. Barns & Noble Book Store Inc.; Barns &
Noble Book Club Inc.

25-CV-10024 (LTS) · No. 25-CV-10024 (LTS) · Decided December 3, 2025

SUMMARY

The United States District Court for the Southern District of New York directs incarcerated plaintiff De’Andre Kendrick to either pay the required filing fees or submit a prisoner authorization to proceed in forma pauperis. The order sets a thirty-day deadline, explains installment payments under the Prison Litigation Reform Act, and warns that failure to comply will result in dismissal.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Laura Taylor Swain
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 3, 2025
DOCKET	25-CV-10024 (LTS)
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner proceeding pro se submitted an application to proceed in forma pauperis but failed to submit the required prisoner authorization.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	De'Andre Kendrick v. Barns & Noble Book Store Inc., Barns & Noble Book Club Inc.

TOPICS

- prisoners rights
- civil procedure

PRACTICE AREAS

- Civil procedure
- Prisoner litigation
- In forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether a prisoner seeking to proceed in forma pauperis must submit a signed prisoner authorization in addition to an IFP application.
2. What procedural consequence should follow when a prisoner fails to submit the required authorization or pay the filing fees.

HOLDINGS

1. A prisoner seeking to commence a civil action without prepayment of fees must submit both a signed IFP application and a prisoner authorization permitting collection of the filing fee from the prisoner's account in installments.
2. When a prisoner has not paid the required fees or submitted the required prisoner authorization, the court may allow a specified period for compliance and may dismiss the action if the prisoner fails to comply within that period.

KEY QUOTATIONS

"If Plaintiff wishes to proceed with this action, within thirty days of the date of this order, Plaintiff must either pay the \$405.00 in fees or complete and submit the attached prisoner authorization."

"If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed."

FACTUAL BACKGROUND

De'Andre Kendrick, who was incarcerated at Westville Correctional Facility, brought the action pro se. He submitted an application to proceed in forma pauperis but did not submit a prisoner authorization permitting withdrawals from his inmate account for installment payments of the filing fee.

PROCEDURAL HISTORY

Plaintiff initiated a federal civil action and submitted an IFP application without the required prisoner authorization. The district court ordered Plaintiff, within thirty days, either to pay the required fees or submit the authorization, warned that failure to comply would result in dismissal, and directed that no summons issue at that time.

DISPOSITION

other

CASES CITED

- *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK DE'ANDRE KENDRICK, Plaintiff, 25-CV-10024 (LTS) -against- ORDER DIRECTING PRISONER BARNES & NOBLE BOOK STORE INC.; AUTHORIZATION BARNES & NOBLE BOOK CLUB INC.,

Defendants. LAURA TAYLOR SWAIN, Chief United States District Judge: Plaintiff, who is currently incarcerated at Westville Correctional Facility, brings this action pro se.

To proceed with a civil action in this Court, a prisoner must either pay \$405.00 in fees – a \$350.00 filing fee plus a \$55.00 administrative fee – or, to request permission to proceed in forma pauperis (IFP), that is, without prepayment of fees, submit a signed IFP application and a prisoner authorization. See 28 U.S.C. §§ 1914, 1915. If the Court grants a prisoner's IFP application, the Prison Litigation Reform Act requires the Court to collect the \$350.00 filing fee in installments deducted from the prisoner's account.¹ See 28 U.S.C. § 1915(b)(1).

A prisoner seeking to proceed in this Court without prepayment of fees must therefore also authorize the Court to withdraw these payments from his account by filing a “prisoner authorization,” which directs the facility where the prisoner is incarcerated to deduct the \$350.00 filing fee from the prisoner's account in installments and to send to this Court certified copies of the prisoner's account statements for the past six months.

See 28 U.S.C. § 1915(a)(2), (b). ¹ The \$55.00 administrative fee for filing a civil action does not apply to persons granted IFP status under 28 U.S.C. § 1915. Plaintiff submitted an IFP application but did not submit a prisoner authorization. If Plaintiff wishes to proceed with this action, within thirty days of the date of this order, Plaintiff must either pay the \$405.00 in fees or complete and submit the attached prisoner authorization.

If Plaintiff submits the prisoner authorization, it should be labeled with docket number 25-CV-10024 (LTS).² No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue). SO ORDERED. Dated: December 3, 2025 New York, New York /s/ Laura Taylor Swain LAURA TAYLOR SWAIN Chief United States District Judge ² Plaintiff is cautioned that if a prisoner files a federal civil action or appeal that is dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, the dismissal is a “strike” under 28 U.S.C. § 1915(g).

A prisoner who receives three “strikes” cannot file federal civil actions IFP as a prisoner, unless he is under imminent danger of serious physical injury, and he must pay the filing fees at the time of filing any new action.

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