

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Darzell Allen v. John Doe

Allen · No. 25-CV-7693 (LTS) · Decided November 25, 2025

SUMMARY

The United States District Court for the Southern District of New York dismissed Darzell Allen’s complaint without prejudice after he failed to submit an in forma pauperis application and prisoner authorization or pay the required filing fees. The court denied in forma pauperis status for any appeal, certified that an appeal would not be taken in good faith, and directed the Clerk to enter judgment.

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	November 25, 2025
DOCKET	25-CV-7693 (LTS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the complaint without prejudice after Plaintiff failed to submit an in forma pauperis application and prisoner authorization or pay the required filing fees.
PRECEDENTIAL VALUE	unpublished
PARTIES	Darzell Allen v. John Doe

TOPICS

civil procedure

PRACTICE AREAS

Federal civil procedure

QUESTIONS PRESENTED

- Whether the complaint should be dismissed without prejudice when Plaintiff failed to comply with the Court's order to submit an IFP application and prisoner authorization or pay the required filing fees.

2. Whether Plaintiff should be denied in forma pauperis status for purposes of an appeal because any appeal would not be taken in good faith.

HOLDINGS

1. Because Plaintiff failed to submit the required IFP application and prisoner authorization or pay the filing fees after being warned that noncompliance would result in dismissal, the complaint was dismissed without prejudice.
2. In forma pauperis status was denied for purposes of an appeal because the Court certified that an appeal from the order would not be taken in good faith.

FACTUAL BACKGROUND

The Court had ordered Darzell Allen to submit a completed application to proceed in forma pauperis and prisoner authorization or pay the \$405.00 filing fee. The order warned that failure to comply within thirty days would result in dismissal. Allen neither submitted the required documents nor paid the filing fee.

PROCEDURAL HISTORY

On September 18, 2025, the Court directed Plaintiff to submit the required IFP application and prisoner authorization or pay \$405.00 in filing fees within thirty days, warning that failure to comply would result in dismissal. Plaintiff did not comply, so the Court dismissed the complaint without prejudice and directed the Clerk to enter judgment.

DISPOSITION

dismissed

CASES CITED

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

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK DARZELL ALLEN, Plaintiff, 25-CV-7693 (LTS) -against- ORDER OF DISMISSAL JOHN DOE, Defendant. LAURA TAYLOR SWAIN, Chief United States District Judge: By order dated September 18, 2025, the Court directed Plaintiff, within thirty days, to submit a completed request to proceed in forma pauperis (“IFP application”) and prisoner authorization or pay the \$405.00 in fees required to file a civil action in this court.

That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application and prisoner authorization or paid the fees. Accordingly, the complaint is dismissed without prejudice. See 28 U.S.C. §§ 1914, 1915.

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 an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this case. SO ORDERED. Dated: November 20, 2025 New York, New York /s/ Laura Taylor Swain LAURA TAYLOR SWAIN
Chief United States District Judge