

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, EASTERN DIVISION

Brandy Rose Jones v. Jackson Public School District

Civil Action No. 3:26-cv-162-KHJ-MTP (S.D. Miss. Apr. 1, 2026) (Report and Recommendation) · No. 3:26-cv-162-KHJ-MTP · Decided April 1, 2026

SUMMARY

The magistrate judge recommends denying Brandy Rose Jones’s motions to proceed in forma pauperis because her reported financial resources exceed the applicable poverty guideline and would allow her to pay the filing fee without undue hardship. The recommendation would give Jones 60 days to pay the costs of filing and would dismiss the action without prejudice if she fails to do so. The document also provides notice of the parties’ 14-day period to object.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Eastern Division
WRITING FOR THE COURT	Michael T. Parker
JURISDICTION	United States District Court for the Southern District of Mississippi, Eastern Division
DECIDED	April 1, 2026
DOCKET	3:26-cv-162-KHJ-MTP
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on Plaintiff's motions for leave to proceed in forma pauperis in a newly filed civil action.
STANDARD OF REVIEW	The district court's determination whether to grant in forma pauperis status in a civil action is discretionary and requires examination of the applicant's financial condition and whether payment of the filing fee would cause undue hardship.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- costs

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated sufficient financial hardship to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether Plaintiff should be allowed additional time to pay the filing costs and whether failure to pay should result in dismissal without prejudice.

HOLDINGS

1. Plaintiff should not be permitted to proceed in forma pauperis because the financial information she submitted showed that she had sufficient available resources to pay the filing fee without undue hardship.
2. Plaintiff should be given sixty days to pay all costs associated with filing the lawsuit, with dismissal without prejudice if she failed to pay timely.

KEY QUOTATIONS

“Section 1915 is designed to protect those litigants who suffer true financial hardship, not those who are well-equipped to pay the filing fee but choose to allocate their resources in a different manner.” (Report and Recommendation)

FACTUAL BACKGROUND

Plaintiff was unemployed but reported total income of \$21,032.81 for the month, including \$8,988.09 in income-tax proceeds and \$8,829.72 from an emergency retirement withdrawal. She expected income of \$1,285.00 the following month, listed one dependent, and reported monthly expenses of \$2,650.66. The magistrate judge concluded that her available income could cover the filing fee without undue hardship.

PROCEDURAL HISTORY

Plaintiff filed her complaint and an initial motion to proceed in forma pauperis on March 11, 2026. After the Court requested clarification and a long-form application, Plaintiff filed a second in forma pauperis motion on March 30, 2026. The magistrate judge recommended denying both motions, allowing sixty days to pay the filing costs, and dismissing the action without prejudice if payment was not timely made.

DISPOSITION

other

CASES CITED

- Startti v. United States, 415 F.2d 1115, 1116 (5th Cir. 1969)
- Barnes v. Secretary, Dept. of Treasury, 2010 WL 4220422 (S.D. Miss. Sept. 16, 2010)
- Prows v. Kastner, 842 F.2d 138, 140 (5th Cir. 1988)

- Williams v. Beau Rivage, 2009 WL 3431457 (S.D. Miss. 2009)
- Willard v. United States, 299 F. Supp. 1175, 1177 (N.D. Miss. 1969)
- McCoy v. Colvin, 2013 WL 868682, at *1 (W.D. Ark. Mar. 7, 2013)
- Mann v. City of Moss Point, 2014 WL 4794544 (S.D. Miss. Sept. 25, 2014)
- Bruton v. Colvin, 2014 WL 840993 (N.D. Tex. Mar. 4, 2014)
- Nelson v. Louise, 2011 WL 3648632 (E.D. La. July 27, 2011)
- Walker v. University of Texas Medical Branch, 2008 WL 4873733 (E.D. Tex. Oct. 30, 2008)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996)

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