

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

**Chaske Rockboy v. Charles Mix County; Randy Thaler, Officially
and Individually; Derik Rolston, Officially and Individually; Jan
Budavich, Officially and Individually**

Rockboy · No. 4:24-CV-04093-ECS · Decided March 16, 2026

SUMMARY

The United States District Court for the District of South Dakota grants Chaske Rockboy leave to proceed in forma pauperis on appeal. Because Rockboy was incarcerated when he filed his notice of appeal, the court applies the Prison Litigation Reform Act and assesses an initial partial appellate filing fee of \$156.73, payable by April 15, 2026. The court directs the institution holding Rockboy to make monthly payments toward the \$605 appellate filing fee.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Eric C. Schulte
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	March 16, 2026
DOCKET	4:24-CV-04093-ECS
DISPOSITION	other
PROCEDURAL POSTURE	After granting summary judgment to defendants in a civil-rights action, the district court considered plaintiff's motion to proceed in forma pauperis on appeal under the Prison Litigation Reform Act.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Chaske Rockboy v. Charles Mix County, Randy Thaler, Derik Rolston, Jan Budavich

TOPICS

- appellate procedure
- prisoners rights
- costs
- civil rights

PRACTICE AREAS

civil rights

federal appellate procedure

prisoner litigation

QUESTIONS PRESENTED

1. Whether Rockboy qualified as a prisoner for purposes of determining his eligibility to proceed in forma pauperis on appeal because he was incarcerated when he filed his notice of appeal.
2. Whether the court should grant in forma pauperis status on appeal and assess an initial partial filing fee under the Prison Litigation Reform Act.
3. Whether the initial partial appellate filing fee should be calculated as 20 percent of the greater of the prisoner's average monthly deposits or average monthly balance during the relevant six-month period.

HOLDINGS

1. A litigant's prisoner status for purposes of the Prison Litigation Reform Act is determined when the civil action or appeal is filed; because Rockboy was incarcerated when he filed his notice of appeal, he was a prisoner for purposes of the appellate in forma pauperis determination.
2. Rockboy's motion to proceed in forma pauperis on appeal was granted because the appeal appeared to be taken in good faith and he submitted the required certified prisoner trust-account report.
3. A prisoner proceeding in forma pauperis on appeal must pay an initial partial filing fee equal to 20 percent of the greater of the average monthly deposits or average monthly balance in the prisoner's account during the applicable six-month period, unless the prisoner has no assets or means to pay.

KEY QUOTATIONS

“Congress’s definition of ‘prisoner’ as one who is incarcerated necessarily refers to the individual’s status at the time the civil action is filed or appealed.”

“when an inmate seeks pauper status, the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an installment plan.”

“prisoners who appeal judgments in civil cases must sooner or later pay the appellate filing fees in full.”

FACTUAL BACKGROUND

Rockboy brought a civil-rights action under 42 U.S.C. § 1983 against Charles Mix County and three individual defendants. He was not incarcerated when he filed the complaint and initially paid the full filing fee, but he became incarcerated during the case and was housed at Mike Durfee State Prison when he appealed. His prisoner trust-account report showed average monthly deposits of \$160.00 and an average monthly balance of \$783.67.

PROCEDURAL HISTORY

Rockboy filed a 42 U.S.C. § 1983 complaint after paying the full filing fee and while not incarcerated. During the litigation he became incarcerated. The court granted defendants' motion for summary judgment, denied or resolved Rockboy's partial-summary-judgment motion, and entered judgment partly with prejudice and partly

without prejudice. After Rockboy filed a notice of appeal, he moved to proceed in forma pauperis and submitted a certified prisoner trust-account report. The district court granted the motion and assessed an initial partial appellate filing fee of \$156.73.

DISPOSITION

other

CASES CITED

- Williams v. Scalleta, 11 F. App'x 677, 678 (8th Cir. 2001) (per curiam)
- Henderson v. Norris, 129 F.3d 481, 483, 485 (8th Cir. 1997) (per curiam)
- In re Tyler, 110 F.3d 528, 529-30 (8th Cir. 1997)
- McGore v. Wigglesworth, 114 F.3d 601, 604 (6th Cir. 1997)

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