

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, DALLAS DIVISION

Lester E. Washington, Jr. v. Marriott International Inc., et al.

Washington v. Marriott · No. 3:25-cv-02868-S (BT) · Decided January 20, 2026

SUMMARY

A United States magistrate judge recommends denying Lester E. Washington, Jr.’s application to proceed in forma pauperis in his civil action against Marriott International, Inc., and others. The recommendation would dismiss the case without prejudice unless Plaintiff pays the \$405 filing fee within 30 days of an order accepting the recommendation.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Dallas Division
WRITING FOR THE COURT	Seto
JURISDICTION	United States District Court for the Northern District of Texas, Dallas Division
DECIDED	January 20, 2026
DOCKET	3:25-cv-02868-S (BT)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, moved for leave to proceed in forma pauperis in a newly filed civil action. The magistrate judge issued findings, conclusions, and a recommendation that the motion be denied and the case dismissed without prejudice unless Plaintiff paid the filing fee.
STANDARD OF REVIEW	The court evaluated whether Plaintiff established that he was unable to pay the filing fee or that payment would cause undue financial hardship under 28 U.S.C. § 1915(a)(1).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Lester E. Washington, Jr. v. Marriott International Inc., et al.

TOPICS

- civil procedure
- costs

PRACTICE AREAS

civil procedure

in forma pauperis

QUESTIONS PRESENTED

1. Whether Plaintiff established under 28 U.S.C. § 1915(a)(1) that he was unable to pay the filing fee or that payment would cause undue financial hardship.
2. Whether the case should be dismissed without prejudice if Plaintiff did not pay the filing fee within 30 days after acceptance of the recommendation.

HOLDINGS

1. Plaintiff did not establish that payment of the \$405 filing fee would cause undue financial hardship, so his motion for leave to proceed in forma pauperis should be denied.
2. The action should be dismissed without prejudice unless Plaintiff pays the \$405 filing fee within 30 days after an order accepting the recommendation.

KEY QUOTATIONS

“The Court should DENY Plaintiffs motion for leave to proceed in forma pauperis (ECF No. 5) and dismiss his case without prejudice unless he pays the \$405.00 filing fee within 30 days of an order accepting this recommendation.”

“This income places him well above the federal poverty threshold for a seven-person household in Texas.”

FACTUAL BACKGROUND

Washington and his spouse reportedly received approximately \$9,500 per month from unemployment and employment. Washington reported owning a home, three vehicles, and approximately \$8,500 in stocks, and reported a gross monthly surplus of approximately \$2,485. The court also found that some reported expenses, including \$375 in credit-card payments, appeared discretionary or excessive and concluded that paying the \$405 filing fee would not cause undue financial hardship.

PROCEDURAL HISTORY

Washington filed a pro se civil action and an application to proceed in forma pauperis. After reviewing the financial information in the application, the United States magistrate judge recommended denying IFP status and dismissing the action without prejudice unless Washington paid the \$405 filing fee within 30 days after an order accepting the recommendation. The recommendation advised the parties of their right to object within 14 days.

DISPOSITION

other

CASES CITED

- Prows v. Kastner, 842 F.2d 138, 140 (5th Cir. 1988)

- Nottingham v. Warden, Bill Clements Unit, 837 F.3d 438, 439-40 (5th Cir. 2016)
- Moates v. Biden, 2022 WL 3566451, at *1 (W.D. Tex. June 29, 2022)
- Powell v. Gov. Federal Rsrv. of New York, 2014 WL 1883672, at *2 (S.D. Miss. May 12, 2014)
- Dobbins v. Kroger Co., 2009 WL 186141, at *2 (N.D. Tex. Jan. 23, 2009)
- Ramsey v. NFI Indus., 2022 WL 707234, at *1 (N.D. Tex. Feb. 18, 2022)
- Douglass v. United Services Automobile Ass’n, 79 F.3d 1415, 1417 (5th Cir. 1996)

OPINION

Lester E. Washington, Jr. v. Marriott International Inc., et al.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

LESTER E. WASHINGTON, JR., §

Plaintiff, § § v. § No. 3:25-cv-02868-S (BT) §

MARRIOTT INTERNATIONAL §

INC., et al., § Defendants. §

FINDINGS, CONCLUSIONS, AND RECOMMENDATION

OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Lester E. Washington, Jr. seeks leave to proceed in forma pauperis (IFP) in this pro se civil action. See generally IFP App. (ECF No. 5). For the reasons stated, the Court should deny Plaintiff’s motion for leave to proceed IFP and dismiss his case without prejudice unless he pays the \$405.00 filing fee within 30 days of an order accepting this recommendation. Legal Standard and Analysis A federal district court may authorize a person to bring a civil action IFP— that is, without the prepayment of fees—when the person submits an affidavit establishing he is unable to pay such fees or give security therefor. 28 U.S.C. § 1915(a)(1). The goal of this provision is to allow access to federal courts for litigants who lack the financial resources to pay any part of the statutory filing costs. *Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988). The Court must examine the financial condition of the applicant to determine whether the payment of fees would “cause undue financial hardship.” *Id.* “This entails a review of other demands on individual plaintiff’s financial resources, including whether the expenses are discretionary or mandatory.” *Id.* The Court may require a plaintiff to complete a financial affidavit in support of a motion to proceed IFP. *Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 439-40 (5th Cir. 2016). Further, the court may “look to where the litigant’s reported income is in relation to applicable poverty guidelines.” *Moates v. Biden*, 2022 WL 3566451, at *1 (W.D. Tex. June 29, 2022), rec. accepted 2022 WL 18110176 (W.D. Tex. Oct. 18, 2022). Here, Plaintiff and his spouse collectively receive approximately \$9,500 each month from unemployment and employment, respectively. IFP App. at 1. Plaintiff also owns a home, three vehicles, and stocks worth approximately \$8,500. *Id.*

Based on the information provided, the Court cannot conclude that payment of the \$405.00 filing fee would cause Plaintiff undue financial hardship. Plaintiff and his spouse receive a substantial monthly income. This income places him well above the federal poverty threshold for a seven-person household in Texas. See

OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION, HHS
Poverty

Guidelines for 2025, <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited Jan. 20, 2026). Plaintiff's claimed expenses do not exceed his income—resulting in a reported gross monthly surplus of approximately \$2,485. See IFP App. at 1–2. But even if Plaintiff's claimed expenses did exceed his net income, this does not indicate that payment of the filing fee would cause Plaintiff undue hardship. First, Plaintiff owns a home (of unspecified value) and three vehicles—two of which are luxury brands. *Id.* at 1. Courts in this Circuit have denied applications to proceed IFP in similar circumstances. See *Powell v. Gov. Federal Rsr. of New York*, 2014 WL 1883672, at *2 (S.D. Miss. May 12, 2014) (denying IFP application where the plaintiff had valuable assets including a home and a luxury vehicle) Second, it appears that at least some of Plaintiff's expenses are discretionary and/or excessive. This includes \$375 in credit card payments. *Id.* at 2. Such expenses do not support waiver of the filing fee. See *Dobbins v. Kroger Co.*, 2009 WL 186141, at *2 (N.D. Tex. Jan. 23, 2009) (denying IFP application because, among other things, certain expenses “appear[ed] excessive without further detailed explanations”); *Ramsey v. NFI Indus.*, 2022 WL 707234, at *1 (N.D. Tex. Feb. 18, 2022), rec. accepted 2022 WL 705965 (N.D. Tex. Mar. 9, 2022) (treating credit card expenses as discretionary). Recommendation The Court should DENY Plaintiffs motion for leave to proceed in forma pauperis (ECF No. 5) and dismiss his case without prejudice unless he pays the \$405.00 filing fee within 30 days of an order accepting this recommendation. SO RECOMMENDED. January 20, 2026. Seto —

UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND

NOTICE OF RIGHT TO APPEAL/OBJECT

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). To be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. See *Douglass v. United Services Automobile*

Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996), modified by statute on other grounds, 28 U.S.C. § 636(b)(1) (extending the time to file objections to 14 days).

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