

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Anthony Lemicy v. Todd Hefele, et al.

Lemicy v. Hefele · No. 4:25-cv-0332-MTS · Decided February 9, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denied Anthony Lemicy’s motion to waive the initial partial filing fee. The Court ordered him to pay \$37.01 or submit a certified inmate account statement demonstrating inability to pay by March 9, 2026, warning that failure to comply would result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	February 9, 2026
DOCKET	4:25-cv-0332-MTS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to waive payment of the initial partial filing fee in his prisoner civil-rights action.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

prisoners rights civil procedure

PRACTICE AREAS

Prisoner civil rights Federal civil procedure In forma pauperis filing fees

QUESTIONS PRESENTED

- Whether the Court should waive Plaintiff's obligation to pay the \$37.01 initial partial filing fee.
- Whether Plaintiff could avoid payment by submitting certified evidence of a continued inability to pay.

HOLDINGS

1. Plaintiff remained obligated to pay the \$37.01 initial partial filing fee, and his motion to waive payment was denied.
2. Plaintiff could avoid immediate payment only by timely submitting a certified inmate account statement evidencing his continued inability to pay; failure to pay or submit the statement would result in dismissal without prejudice and without further notice.

KEY QUOTATIONS

“Congress wrote section 1915 in mandatory terms”

“a court has the power to monitor a prisoner’s financial situation in order to ensure that the prisoner does not deplete his trust account in order to avoid paying the filing fee”

“Prisoners may not intentionally deplete their trust accounts just to avoid paying filing fees.”

FACTUAL BACKGROUND

Anthony Lemicy is a prisoner pursuing a civil-rights action in federal court. The Court determined that he remained obligated to pay a \$37.01 initial partial filing fee. The Court permitted him to submit a certified inmate account statement showing that he had no assets or means to pay instead of making the payment.

PROCEDURAL HISTORY

The Court had assessed Plaintiff an initial partial filing fee of \$37.01. Plaintiff moved to waive payment of that fee. The Court denied the motion and ordered Plaintiff either to pay the fee or submit a certified inmate account statement demonstrating his continued inability to pay.

DISPOSITION

other

CASES CITED

- Koenig v. Mo. Dep't of Corr., 4:23-cv-1524-MTS, 2024 WL 277939, at *2 (E.D. Mo. Jan. 25, 2024)
- Robertson v. French, 949 F.3d 347, 353 (7th Cir. 2020)
- McCormack v. Mo. Dep't of Corr., 2:25-cv-0046-MTS, 2025 WL 2336856, at *1 n.* (E.D. Mo. Aug. 13, 2025)

OPINION

Lemicy

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

ANTHONY LEMICY,)

) Plaintiff,)) v.) No. 4:25-cv-0332-MTS) TODD HEFELE, et al.,)) Defendants.)

MEMORANDUM AND ORDER

Before the Court is Plaintiff Anthony Lemicy's Motion to Waive Payment of the Initial Partial Filing Fee. Doc. [10]. The Court will deny the Motion because Plaintiff remains obligated to pay the \$37.01 initial partial filing fee. See 28 U.S.C. § 1915(b)(1); see also *Koenig v. Mo. Dep't of Corr.*, 4:23-cv-1524-MTS, 2024 WL 277939, at *2 (E.D. Mo. Jan. 25, 2024) (explaining that "Congress wrote section 1915 in mandatory terms"). No later than Monday, March 09, 2026, Plaintiff must pay his initial partial filing fee or submit a certified inmate account statement to the Court that evidences his continued inability to pay the initial partial filing fee. See *Robertson v. French*, 949 F.3d 347, 353 (7th Cir. 2020) (explaining that "a court has the power to monitor a prisoner's financial situation in order to ensure that the prisoner does not deplete his trust account in order to avoid paying the filing fee"); *McCormack v. Mo. Dep't of Corr.*, 2:25-cv-0046-MTS, 2025 WL 2336856, at *1 n.* (E.D. Mo. Aug. 13, 2025) ("Prisoners may not intentionally deplete their trust accounts just to avoid paying filing fees."). If Plaintiff fails to timely do so, the Court will dismiss this action. Accordingly, IT IS HEREBY ORDERED that Anthony Lemicy's Motion to Waive Payment of the Initial Partial Filing Fee, Doc. [10], is DENIED. Plaintiff must pay the \$37.01 initial partial filing fee no later than Monday, March 09, 2026. In the alternative, Plaintiff must submit a certified inmate account statement showing that he has no assets and no means by which to pay the initial partial filing fee by that same date, March 09, 2026. If Plaintiff fails to timely do one of those two options, the Court will dismiss this action without prejudice and without further notice. Dated this 9th day of February 2026. Lh

UNITED STATES DISTRICT JUDGE