

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

Anthony Lemicy v. Todd Hefe, et al.

Lemicy v. Hefe · 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.

OPINION

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

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