

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, GREENVILLE DIVISION

Nelson v. Hoskins

Nelson · No. 4:25-CV-111-DMB-RP · Decided March 24, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi denied Sidney C. Nelson’s motion to appeal in forma pauperis. The court concluded that the notice of appeal was untimely and directed at an interlocutory or otherwise nonappealable order, and certified under 28 U.S.C. § 1915(a)(3) that the appeal was not taken in good faith.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Greenville Division
WRITING FOR THE COURT	Debra M. Brown
JURISDICTION	United States District Court for the Northern District of Mississippi, Greenville Division
DECIDED	March 24, 2026
DOCKET	4:25-CV-111-DMB-RP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought leave to appeal in forma pauperis after filing a notice of appeal from an asserted final judgment or order. The district court denied the motion and certified under 28 U.S.C. § 1915(a)(3) that the appeal was not taken in good faith.
STANDARD OF REVIEW	The district court determines whether a proposed appeal may proceed in forma pauperis under Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), including whether the appeal is taken in good faith and presents nonfrivolous issues.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation
PARTIES	Sidney C. Nelson v. Brenetta A. Hoskins

TOPICS

- appellate procedure
- appellate jurisdiction
- interlocutory appeal
- section 1983
- civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether Nelson could proceed in forma pauperis with an appeal when the identified September 12, 2025, judgment or order did not exist.
2. Whether the August 18, 2025, magistrate-judge show-cause order was appealable as a final order or under the collateral-order doctrine.
3. Whether Nelson's appeal was timely and properly challenged the magistrate judge's order.
4. Whether the proposed appeal was taken in good faith and presented nonfrivolous issues under 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a).

HOLDINGS

1. Nelson could not proceed with an appeal from a purported September 12, 2025, final judgment or order because no judgment or order was entered in the case on that date.
2. The August 18, 2025, show-cause order was interlocutory and was not immediately appealable because Nelson did not establish an applicable exception to the final-judgment rule or the collateral-order doctrine.
3. Nelson's appeal was untimely, and a challenge to the magistrate judge's nondispositive order was required to be directed to the district judge rather than taken directly to the Fifth Circuit.
4. Nelson's motion to appeal in forma pauperis was denied because the proposed appeal was not taken in good faith and did not identify nonfrivolous appellate issues.

KEY QUOTATIONS

“Because (1) no judgment or order was entered in this case on September 12, 2025; (2) if Nelson’s notice of appeal pertains to the August 18 show cause order, the show cause order is interlocutory and not subject to appeal absent certain exceptions inapplicable here; (3) any challenge to a magistrate judge’s order on a nondispositive matter must be directed to the district judge; (4) Nelson’s appeal is untimely; and (5) even if Nelson could properly appeal a non-interlocutory order directly to the Fifth Circuit Court of Appeals, his appeal raises frivolous issues so is not taken in good faith, Nelson’s motion to appeal in forma pauperis [14] is DENIED.”

*“Though the Court certifies that Nelson’s appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a)(3), Nelson may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed in forma pauperis on appeal with the Fifth Circuit Court of Appeals within thirty days from the date of this order.”*

FACTUAL BACKGROUND

Nelson filed a pro se complaint alleging that Brenetta A. Hoskins, an Administrative Remedy Program Team Leader, violated his constitutional rights under 42 U.S.C. § 1983. The magistrate judge ordered Nelson to show

cause why his claims should not be dismissed with prejudice, and Nelson filed an untimely response. Nelson then filed a notice of appeal and a motion to appeal in forma pauperis, asserting that a final judgment or order had been entered on September 12, 2025, although no such judgment or order existed.

PROCEDURAL HISTORY

Nelson filed a pro se § 1983 complaint alleging constitutional violations by the defendant. Magistrate Judge Roy Percy issued an August 18, 2025, show-cause order, and Nelson filed an untimely response. Nelson later filed a notice of appeal and a motion to proceed in forma pauperis, identifying September 12, 2025, as the date of the purported final judgment or order. The district court concluded that no order was entered on that date, the show-cause order was interlocutory, any appeal was untimely, the proper procedure for challenging a nondispositive magistrate-judge order had not been followed, and the proposed appeal was frivolous.

DISPOSITION

other

CASES CITED

- Ashley v. Clay Cnty., 125 F.4th 654, 659 (5th Cir. 2025)
- Mitchell v. Forsyth, 472 U.S. 511, 524 (1985)
- Troice v. Proskauer Rose, L.L.P., 816 F.3d 341, 345 (5th Cir. 2016)
- Texas v. United States, 808 F.3d 675, 676 (5th Cir. 2015)
- Baugh v. Taylor, 117 F.3d 197 (5th Cir. 1997)