

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Tyshawn Riddick v. Superintendent, Auburn Correctional Facility

No. 2:25-cv-4948 (NJC) · No. 2:25-cv-4948 (NJC) · Decided January 26, 2026

SUMMARY

The United States District Court for the Eastern District of New York denies Tyshawn Riddick’s motion to proceed in forma pauperis without prejudice because the application did not provide sufficient information about his financial circumstances and was not submitted on the court’s required form. The court grants leave to renew by February 9, 2026, or alternatively to pay the \$5.00 filing fee, and holds the proposed order to show cause in abeyance pending resolution of the filing fee.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Nusrat J. Choudhury
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	January 26, 2026
DOCKET	2:25-cv-4948 (NJC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, a motion to proceed in forma pauperis, and a proposed order to show cause. The district court considered the IFP motion before requiring a response to the habeas petition.
STANDARD OF REVIEW	Denial of an in forma pauperis application is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tyshawn Riddick v. Superintendent, Auburn Correctional Facility

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Riddick's application to proceed in forma pauperis sufficiently established that he could not pay the \$5 filing fee.
2. What procedural relief was appropriate when the IFP application was incomplete.

HOLDINGS

1. An IFP application may be denied when it does not provide sufficient information for the court to reasonably determine that the applicant cannot afford the filing fee. Riddick's application was insufficient because it was not on the court's form and did not disclose the balance of his prison trust fund account.
2. When an IFP application is incomplete, the court may deny it without prejudice and allow the applicant to renew using a complete application, or alternatively pay the filing fee.

KEY QUOTATIONS

“To qualify for IFP status, the Supreme Court has long held that “an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependents with the necessities of life.”” (at 1)

“The federal in forma pauperis statute represents a significant effort to ensure the ability of impoverished litigants to prosecute meritorious claims or defenses without disadvantage.” (at 1)

“Riddick shall either file the renewed IFP application or remit the filing fee by February 9, 2026 or the petition will be dismissed without prejudice.” (at 2)

FACTUAL BACKGROUND

Tyshawn Riddick, an incarcerated pro se petitioner, filed a § 2254 habeas petition together with an application to proceed in forma pauperis. His application was not submitted on the court's IFP form and did not state the amount, if any, in his prison trust fund account. The court concluded that the submission did not provide sufficient information to determine whether he could pay the \$5 filing fee.

PROCEDURAL HISTORY

Riddick filed a § 2254 habeas petition and an IFP application. The district court denied the IFP motion without prejudice because it was not submitted on the court's form and lacked sufficient financial information, granted leave to renew by February 9, 2026, or alternatively to pay the \$5 filing fee, and held the proposed order to show cause in abeyance pending resolution of the filing fee.

DISPOSITION

other

CASES CITED

- Adkins v. E.I. Du Pont De Nemours & Co., 335 U.S. 331, 339 (1948)
- Rosa v. Doe, 86 F.4th 1001, 1004, 1007 (2d Cir. 2023)
- Velasquez v. Comm’r of Soc. Sec., No. 24-cv-2035, 2024 WL 3202974, at *2 (E.D.N.Y. June 26, 2024)
- Miller v. Smith, No. 21-cv-2949, 2021 WL 2894973, at *2 (E.D.N.Y. June 2, 2021)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Tyshawn Riddick, Petitioner, -v- 2:25-cv-4948 (NJC) Superintendent, Auburn Correctional Facility, Respondent. MEMORANDUM AND ORDER NUSRAT J. CHOUDHURY, United States District Judge: Before the Court is a motion to proceed in forma pauperis (“IFP”) filed by Tyshawn Riddick (“Riddick”) together with a pro se petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a proposed order to show cause seeking to compel a response to the petition.

(See Pet., ECF No. 1; IFP App., ECF No. 2; OSC, ECF No. 3.) For the reasons that follow, the motion to proceed IFP is denied without prejudice and with leave to renew upon filing a complete IFP application by February 9, 2026. Alternatively, Riddick may pay the \$5.00 filing fee by that date.

The Court holds the proposed order to show cause in abeyance pending resolution of the filing fee. To qualify for IFP status, the Supreme Court has long held that “an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependents with the necessities of life.” Adkins v. E.I.

Du Pont De Nemours & Co., 335 U.S. 331, 339 (1948) (quotation marks and alterations omitted). “The federal in forma pauperis statute represents a significant effort to ensure the ability of impoverished litigants to prosecute meritorious claims or defenses without disadvantage.” Rosa v. Doe, 86 F.4th 1001, 1004 (2d Cir. 2023). Indeed, “[t]he purpose of the statute permitting litigants to proceed IFP is to insure that indigent persons have equal access to the judicial system.” Velasquez v. Comm’r of Soc.

Sec., No. 24-cv-2035, 2024 WL 3202974, at *2 (E.D.N.Y. June 26, 2024). Determining whether an applicant qualifies for IFP status is within the discretion of the district court. See Rosa, 86 F.4th at 1007 (explaining IFP application denials are reviewed for abuse of discretion). When a litigant’s application fails to establish the level of poverty required under the IFP statute, such application is properly denied.

See, e.g., Miller v. Smith, No. 21-cv-2949, 2021 WL 2894973, at *2 (E.D.N.Y. June 2, 2021) (denying IFP motion where the plaintiff did not disclose the balance in her checking account). The

court may dismiss a case brought by a plaintiff requesting to proceed IFP if the “allegation of poverty is untrue.” 28 U.S.C. § 1915(e)(2)(A). Riddick’s IFP motion is not submitted on this Court’s IFP application form and does not provide sufficient information for the Court to reasonably conclude that Riddick is unable to afford the \$5.00 filing fee.

To be sure, Riddick has not provided the sum, if any, presently in his Prison Trust Fund Account. (See IFP App., ECF No. 2.) Given Riddick’s incarceration, he shall provide the total sum in his prison account in any renewed IFP motion.

In addition, Riddick shall complete and return the enclosed IFP application and shall include a response to each question on the form application, even if the answer is “0”. Accordingly, the present IFP motion is denied without prejudice and with leave to renew on the enclosed short form IFP application. Alternatively, Riddick may pay the \$5.00 filing fee. 2 Riddick shall either file the renewed IFP application or remit the filing fee by February 9, 2026 or the petition will be dismissed without prejudice.

The Court holds the order to show cause in abeyance pending resolution of the filing fee. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore IFP status is denied for the purpose of any appeal. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is respectfully directed to mail a copy of this Order to Riddick with a short form IFP application at his address of record in an envelope marked “Legal Mail” and to record such mailing on the docket. Dated: Central Islip, New York January 26, 2026 /s/ Nusrat J. Choudhury NUSRAT J. CHOUDHURY United States District Judge 3