

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Tony Taylor Jr. v. Akron Metropolitan Housing Authority, et al.

Taylor · No. 5:25CV1882 · Decided November 25, 2025

SUMMARY

The United States District Court for the Northern District of Ohio denied Tony Taylor Jr.’s application to proceed in forma pauperis because he failed to provide the required detailed financial information. The court dismissed the action without prejudice for failure to prosecute and certified that an appeal could not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Benita Y. Pearson
JURISDICTION	United States District Court for the Northern District of Ohio
DECIDED	November 25, 2025
DOCKET	5:25CV1882
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a civil action and sought leave to proceed in forma pauperis. After the Court ordered him to either pay the filing fee or submit a complete AO 239 application, he failed to comply, and the Court denied the application and dismissed the action without prejudice for failure to prosecute.
STANDARD OF REVIEW	The Court exercised its discretion in evaluating whether Plaintiff demonstrated inability to pay under 28 U.S.C. § 1915 and whether dismissal for failure to prosecute was warranted.
PRECEDENTIAL VALUE	unknown

TOPICS

- civil procedure
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated that he was unable to pay the filing fee and therefore qualified to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether the action should be dismissed without prejudice for Plaintiff's failure to comply with the Court's order and failure to prosecute.

HOLDINGS

1. Plaintiff was not entitled to proceed in forma pauperis because he failed to provide the specific information necessary to demonstrate that he was unable to pay the filing fee.
2. The action was properly dismissed without prejudice for failure to prosecute after Plaintiff failed to comply with the order requiring payment of the filing fee or submission of a complete in forma pauperis application.

KEY QUOTATIONS

"Proceeding in forma pauperis is a privilege, and not a right."

"The Court takes very seriously a request to proceed with litigation at taxpayer expense"

FACTUAL BACKGROUND

Tony Taylor Jr. filed a civil action without paying the filing fee and submitted a self-created form seeking in forma pauperis status. His form described his income, bank account, vehicle, and utility expenses only in vague terms such as "\$0 or limited," "minimal balance," and "low-value." After the Court ordered him to pay the filing fee or complete the AO 239 long-form application with specific information, he failed to comply or seek an extension.

PROCEDURAL HISTORY

Plaintiff submitted a self-created in forma pauperis application that provided only generalized descriptions of his financial circumstances. The Court ordered him to pay the \$405 filing fee or truthfully and thoroughly complete an AO 239 application within 30 days and warned that noncompliance could result in dismissal. Plaintiff did neither and did not request an extension of time, so the Court denied his application and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Foster v. Cuyahoga Dep't of Health & Human Servs.*, 21 Fed. Appx. 239, 240 (6th Cir. 2001)

- Maddox v. Foley, No. 3:23-cv-48, 2023 WL 3852943, at *1 (S.D. Ohio May 10, 2023)
- Behmlander v. Comm’r of Soc. Sec., No. 12-CV-14424, 2012 WL 5457466, at *2 (E.D. Mich. Oct. 16, 2012)
- Wilson v. Yaklich, 148 F.3d 596, 603 (6th Cir. 1998)

OPINION

Taylor

PER CURIAM.

PEARSON, J.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

TONY TAYLOR JR.,)

) CASE NO. 5:25CV1882

Plaintiff,))

v.) JUDGE BENITA Y. PEARSON

)

AKRON METROPOLITAN HOUSING)

AUTHORITY, et al.,) MEMORANDUM OF OPINION

) AND ORDER

Defendants.) [Resolving ECF No. 2] Pro Se Plaintiff Tony Taylor Jr. filed a civil action in this Court but did not pay the filing fee. He instead asked the Court to waive the filing fee in a document of his own creation based loosely on form AO 240, the “short form” of an Application to Proceed In Forma Pauperis. See ECF No. 2. The Court no longer uses the AO 240 form because it does not seek sufficient information from the applicant for the Court to make a determination of poverty. Plaintiff’s version of this form is even more lacking in required information. He simply describes his income as “\$0 or limited,” his bank account as having a “minimal balance,” his vehicle as “low-value,” and his utilities expenses as “[m]inimal or unpaid.” ECF No. No. 2 at PageID #: 15. On October 23, 2025, the Court ordered Plaintiff to either to pay the full fee of \$ 405.00 or to truthfully, accurately and thoroughly complete and file an AO 239 Application to Proceed In Forma Pauperis (the long form) within 30 days of the date of the Order. Order (ECF No. 4). The Clerk’s Office provided Plaintiff with an AO 239 form with a copy of the Order. The Court (5:25CV 1882) notified Plaintiff that failure to comply with ECF No. 4 within the time period allotted may result in dismissal of this action without further notice. More than 30 days have passed and Plaintiff did not comply with the Order nor has he moved for an extension of time. Pursuant to 28 U.S.C. § 1915, the Court may authorize the commencement of any action without prepayment of filing fees if the litigant submits an affidavit that includes a statement of all assets, income, and debt that demonstrates the person is unable to pay the filing fee. See 28 U.S.C. § 1915(a)(1). Pauper status does not require absolute destitution. *Foster v. Cuyahoga Dep’t of*

Health & Human Servs., 21 Fed.Appx. 239, 240 (6th Cir. 2001). Instead, the Court must examine the affidavit and determine whether the litigant can pay the court costs without undue hardship. /d. It is within the Court's discretion to allow a litigant to proceed in forma pauperis. Id. The Court takes very seriously a request to proceed with litigation at taxpayer expense and grants only those applications which demonstrate that payment of the filing fee would require the applicant to forgo "food, shelter, clothing, or some other necessity" if they were required to pay a judicial filing fee. Maddox v. Foley, No. 3:23-cv-48, 2023 WL 3852943, at *1 (S.D. Ohio May 10, 2023). Pauper status is not available for a litigant who seeks waiver of the fee simply because she would have to make adjustments in the monthly budget to pay the fee or because she would like to test the legal viability of her case before making a financial commitment to the litigation. Behmlander v. Comm'r of Soc. Sec., No. 12-CV-14424, 2012 WL 5457466 at * 2 (E.D. Mich. Oct. 16, 2012) (A person is not a pauper just because he must "weigh the financial constraints posed by pursuing her complaint against the merits of her claims."). (5:25CV1882) Proceeding in forma pauperis is a privilege, and not a right. Wilson v. Yaklich, 148 F.3d 596, 603 (6th Cir. 1998). Here, Plaintiff did not demonstrate an inability to pay the filing fee. He created his own form and filled it out with general statements, rather than specific information. The Court notified Plaintiff of this deficiency and gave him an opportunity to correct it to avoid dismissal of his action. He did not comply with the Court's Order (ECF No. 4) and provide the Court with specific information. Without that information, the Court has no basis upon which to grant an Application to Proceed In Forma Pauperis. Accordingly, Plaintiff's Application to Proceed In Forma Pauperis (ECF No. 2) is denied and this case is dismissed without prejudice for failure to prosecute. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith. IT IS SO ORDERED. November 25, 2025 /s/ Benita Y. Pearson Date Benita Y. Pearson United States District Judge 3