

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

Timothy Lett v. United Association of Plumbers and Steamfitters, et
al.

Lett · No. 2:26-cv-4 · Decided January 13, 2026

SUMMARY

The document is an order and report and recommendation in Timothy Lett’s civil action against the United Association of Plumbers and Steamfitters and other defendants. The magistrate judge recommends denying Plaintiff’s second application to proceed in forma pauperis, grants a 30-day extension to pay the filing fee if the recommendation is adopted, denies the first in forma pauperis motion as moot, and denies without prejudice a motion to preserve evidence. The document also explains the procedure and deadline for objections under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Kimberly A. Jolson
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 13, 2026
DOCKET	2:26-cv-4
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed in forma pauperis, for an extension of time to comply with the Court's filing-fee order, and for preservation of evidence. The magistrate judge issued an order and report and recommendation recommending denial of the second in forma pauperis motion and granting the extension request, while denying the preservation motion without prejudice and denying the first in forma pauperis motion as moot.
STANDARD OF REVIEW	A motion to proceed in forma pauperis is committed to the court's sound discretion. A preservation order requires a showing of a real

	danger of evidence destruction, lack of another available remedy, and that the order is an appropriate exercise of the court's discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Timothy Lett v. United Association of Plumbers and Steamfitters, et al.

TOPICS

evidence discovery dispute civil procedure

PRACTICE AREAS

civil procedure evidence

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated sufficient financial need to proceed in forma pauperis.
2. Whether Plaintiff was entitled to a 30-day extension to pay the filing fee or comply with the Court's order.
3. Whether Plaintiff demonstrated the circumstances necessary for an order requiring Defendants to preserve evidence.

HOLDINGS

1. Plaintiff's revised financial affidavit did not establish that payment of the one-time filing fee would deprive him of the necessities of life; the second in forma pauperis motion should therefore be denied, and the first motion was denied as moot.
2. Plaintiff's request for a 30-day extension to comply with the Court's order or pay the filing fee should be granted.
3. Plaintiff was not entitled to a preservation order because his generalized assertion that evidence might be subject to routine deletion or alteration did not demonstrate a real danger of evidence destruction or otherwise satisfy the requirements for such an order.

KEY QUOTATIONS

“An affidavit of poverty is sufficient if it reflects that the plaintiff cannot pay the court’s filing fee without depriving himself the “necessities of life.”” (at 1)

“preservation orders ‘must be premised on a demonstration that a real danger of evidence destruction exists, a lack of any other available remedy, and a showing that the preservation order is an appropriate exercise of the court’s discretion.’” (at 3)

“failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling” (at 4)

FACTUAL BACKGROUND

Plaintiff initially represented that he was unemployed and sought leave to proceed in forma pauperis. In a revised affidavit, he reported beginning employment on January 7, 2026, with take-home wages of \$3,337.50 per week and anticipated monthly income of approximately \$13,350, substantially exceeding his listed monthly expenses. Plaintiff also sought preservation of documents and data allegedly controlled by Defendants, asserting that some evidence might be subject to routine deletion or alteration.

PROCEDURAL HISTORY

Plaintiff commenced this action and initially sought leave to proceed in forma pauperis. After the Court ordered a revised financial affidavit, Plaintiff filed a second in forma pauperis motion and requested an extension of time, and he also moved for preservation of evidence. The magistrate judge recommended denying the second in forma pauperis motion, granting a 30-day extension to pay the filing fee if the recommendation were adopted, and denied the preservation motion without prejudice; the parties were advised of the procedure for objections and district-judge review.

DISPOSITION

other

CASES CITED

- Adkins v. E.I. DuPont de Nemours & Co., Inc., 335 U.S. 331 (1948)
- Motley v. Dream Living LLC, No. 2:23-CV-3478, 2024 WL 2962791, at *1 (S.D. Ohio June 12, 2024)
- Foster v. Cuyahoga Dep't of Health & Human Servs., 21 F. App'x 239, 240 (6th Cir. 2001)
- Carroll v. Onemain Fin. Inc., No. 14-CV-14514, 2015 WL 404105, at *2 (E.D. Mich. Jan. 29, 2015)
- Bush v. Ohio Dep't of Rehab. & Corr., No. 2:05-CV-0667, 2007 WL 4365381, at *1 (S.D. Ohio Dec. 10, 2007)
- Henderson v. Pappas Trucking LLC AG Container, No. 2:21-CV-2088, 2021 WL 2003986 (S.D. Ohio May 4, 2021)
- Swetlic Chiropractic & Rehab. Ctr., Inc. v. Foot Levelers, Inc., No. 2:16-CV-236, 2016 WL 1657922, at *2 (S.D. Ohio Apr. 27, 2016)
- John B. v. Goetz, 531 F.3d 448, 459 (6th Cir. 2008)
- Pfahler v. Nat'l Latex Prod. Co., 517 F.3d 816, 829 (6th Cir. 2007)
- United States v. Sullivan, 431 F.3d 976, 984 (6th Cir. 2005)
- Robert v. Tesson, 507 F.3d 981, 994 (6th Cir. 2007)