

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Scott Evers v. Tennessee Department of Children’s Services, et al.

Evers · No. 3:26-CV-189-CEA-DCP · Decided April 29, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee denied Scott Evers’s motion in limine seeking to exclude forensic interview evidence under the Sixth and Fourteenth Amendments and Crawford v. Washington. The court declined to consider the motion because Plaintiff had not paid the filing fee or submitted proper documentation to proceed in forma pauperis, and stated that further discovery motions would not be entertained until those requirements were satisfied or screening was completed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Debra C. Poplin
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	April 29, 2026
DOCKET	3:26-CV-189-CEA-DCP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved in limine to exclude forensic interview evidence while seeking to proceed without paying the filing fee. The court denied the motion because Plaintiff had neither paid the filing fee nor submitted the required documentation to proceed in forma pauperis.
STANDARD OF REVIEW	Initial screening under 28 U.S.C. § 1915(e)(2); a complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face.
PRECEDENTIAL VALUE	unpublished

TOPICS

- civil procedure
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should consider Plaintiff's motion in limine when he had neither paid the filing fee nor properly sought in forma pauperis status.
2. Whether the court could defer consideration of further discovery motions until Plaintiff paid the filing fee or the court completed statutory screening.

HOLDINGS

1. The court denied Plaintiff's motion in limine because Plaintiff had not paid the required filing fee and had not submitted the proper documentation to proceed in forma pauperis.
2. The court would not entertain further discovery motions until Plaintiff paid the required filing fee or, if he sought in forma pauperis status, until the court completed the necessary screening.

KEY QUOTATIONS

"To survive an initial review, a complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'"

"The Court will not entertain any further discovery motions until Plaintiff pays the required filing fee, or if Plaintiff wishes to proceed in forma pauperis, until after the Court has completed the necessary screening."

FACTUAL BACKGROUND

Plaintiff Scott Evers filed a civil action against the Tennessee Department of Children's Services and others. He sought to carry over in forma pauperis status from a related case but had not paid the filing fee or submitted the documentation required to proceed in forma pauperis. He also filed a motion seeking to exclude forensic interview evidence under the Sixth and Fourteenth Amendments and *Crawford v. Washington*.

PROCEDURAL HISTORY

On April 7, 2026, Plaintiff filed a motion to carry over in forma pauperis status from a related case, a complaint, an amended complaint, and a motion in limine to exclude forensic interview evidence. The court explained that it must screen an action brought by a nonprisoner seeking in forma pauperis status under 28 U.S.C. § 1915(e)(2). Because Plaintiff had not paid the filing fee or submitted proper in forma pauperis documentation, the court denied the motion in limine and stated that it would not entertain further discovery motions until the fee was paid or screening was completed.

DISPOSITION

other

CASES CITED

- *McGore v. Wigglesworth*, 114 F.3d 601, 608 (6th Cir. 1997)

- Jones v. Bock, 549 U.S. 199 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)

OPINION

Evers

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TENNESSEE

AT KNOXVILLE

SCOTT EVERS,)

) Plaintiff,)) v.) No. 3:26-CV-189-CEA-DCP)

TENNESSEE DEPARTMENT OF)

CHILDREN’S SERVICES, et al.,))) Defendants.

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02. On April 7, 2026, Plaintiff filed a Motion to Carry Over In Forma Pauperis Status from Related Case No. 3:25-cv-00199 [Doc. 1], a Complaint [Doc. 8], an Amended Complaint [Doc. 9], and the instant Motion in Limine to Exclude Forensic Interview Evidence Pursuant to the 6th and 14th Amendments and Crawford v. Washington [Doc. 16].¹ Under the Prison Litigation Reform Act of 1995 (“PLRA”), when an individual seeks to proceed without paying the filing fee, the Court is required to screen complaints. 28 U.S.C. § 1915.2 To accomplish this end, the Court must evaluate the litigant’s indigence, but 1 The Court notes that Plaintiff has also filed a Notice of Intent to Serve Subpoena Duces Tecum [Doc. 18] and Proposed Subpoenas [Doc. 19]. 2 Despite the reference to prisoners, 28 U.S.C. § 1915 requires the Court to screen complaints filed by non-prisoners seeking in forma pauperis status McGore v. Wrigglesworth, 114 F. 3d 601, 608 (6th Cir. 1997) (“Unlike prisoner cases, complaints by non-prisoners are not subject to screening process required by § 1915A. The district court, however, must still screen the complaint under § 1915(e)(2).”), overruled on other grounds, Jones v. Brock, 549 U.S. 199 (2007). notwithstanding indigence, a court must dismiss a matter under 28 U.S.C. § 1915(e)(2)(B) if [it] determines that . . . the action . . . (1) is frivolous or malicious; (11) fails to state a claim on which relief may be granted; or (111) seeks monetary relief against a defendant who is immune from such relief.” To survive an initial review, a complaint “must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S.544, 570 (2007)). Because Plaintiff has not paid the required filing fee, nor has he submitted the proper documentation to proceed in forma pauperis, the Court DENIES the Motion in Limine to Exclude Forensic Interview Evidence Pursuant to the 6th and 14th Amendments and Crawford v. Washington [Doc.

16]. The Court will not entertain any further discovery motions until Plaintiff pays the required filing fee, or if Plaintiff wishes to proceed in forma pauperis, until after the Court has completed the necessary screening. IT ISSO ORDERED.

ENTER: /

Debra C. Poplin United States Magistrate Judge