

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Odessa Sills v. First Student Inc.

Sills · No. 25-CV-785-JPS · Decided February 3, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denies Odessa Sills’s motion to proceed in forma pauperis in her Title VII retaliation action against First Student Inc. The court finds that Plaintiff is able to pay the filing fee and orders her to pay the full fee by March 5, 2026, warning that failure to do so will result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	J.P. Stadtmueller
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	February 3, 2026
DOCKET	25-CV-785-JPS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a Title VII retaliation action and moved to proceed in forma pauperis. After requiring an amended complaint to correct pleading deficiencies, the court considered and denied the in forma pauperis motion.
STANDARD OF REVIEW	The court applied the statutory in forma pauperis inquiry under 28 U.S.C. § 1915, considering both the plaintiff's ability to pay and whether the action should be dismissed under § 1915(e)(2).
PRECEDENTIAL VALUE	Unknown
PARTIES	Odessa Sills v. First Student Inc.

TOPICS

- civil procedure
- title vii
- retaliation
- subject matter jurisdiction
- pleadings

PRACTICE AREAS

- Civil procedure
- Employment law
- Civil rights

QUESTIONS PRESENTED

1. Whether Sills demonstrated sufficient indigence to proceed without prepaying the filing fee under 28 U.S.C. § 1915(a).
2. Whether denial of in forma pauperis status required dismissal of the action or instead required payment of the filing fee before the case could proceed.

HOLDINGS

1. Sills was not indigent because her reported monthly income exceeded her expenses by at least \$1,130, leaving her able to pay the one-time \$405 filing fee.
2. Denial of in forma pauperis status does not itself terminate the action; the plaintiff must pay the required filing fee for the case to proceed.

KEY QUOTATIONS

“To determine whether it may authorize a litigant to proceed in forma pauperis, the Court engages in a two-part inquiry.” (at 2)

“The Court finds that Plaintiff is able to pay the costs of commencing the action.” (at 3)

“Accordingly, IT IS ORDERED that Plaintiff Odessa Sills’ motion to proceed in forma pauperis, ECF No. 2, be and the same is hereby DENIED.” (at 4)

FACTUAL BACKGROUND

Odessa Sills alleged that First Student Inc. violated Title VII by, among other things, retaliating against her. In her sworn application, Sills reported employment income of approximately \$3,200 to \$3,400 per month and monthly expenses of \$2,070. She also stated that several adult and minor family members needed her financial assistance.

PROCEDURAL HISTORY

Sills sued First Student Inc. in May 2025 and moved to proceed without prepaying the filing fee. The court screened the original complaint in September 2025, found significant pleading deficiencies, and ordered an amended complaint. Sills filed an amended complaint in October 2025. The court then denied the in forma pauperis motion, ordered payment of the full filing fee by March 5, 2026, and stated that failure to pay would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Rodriguez v. Crim. Just. Facility Safety Bldg., No. 23-CV-394, 2023 WL 3467565, at *1 (E.D. Wis. Apr. 7, 2023)

- *Nietzke v. Williams*, 490 U.S. 319, 324 (1989)
- *Rodriguez v. Crim. Just. Facility*, No. 23-CV-394-PP, 2023 WL 3467507 (E.D. Wis. May 15, 2023)
- *Floyd v. U.S. Postal Serv.*, 105 F.3d 274, 275-76 (6th Cir. 1997)
- *Mitchell v. Farcass*, 112 F.3d 1483, 1491 n.1 (11th Cir. 1997)
- *Brewster v. N. Am. Van Lines, Inc.*, 461 F.2d 649, 651 (7th Cir. 1972)
- *Coleman v. Lab. & Indus. Rev. Comm'n of Wisconsin*, 860 F.3d 461, 466 (7th Cir. 2017)

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