

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Mark Anthony Christians v. Michael Joe Hanvey et al.

Christians · No. 4:23-CV-04137-CCT · Decided January 14, 2026

SUMMARY

The United States District Court for the District of South Dakota grants Mark Anthony Christians leave to proceed in forma pauperis on appeal from orders concerning screening and reconsideration of his § 1983 action. The court denies his motion to compel the South Dakota Department of Corrections to provide financial information, determines that the appeal appears to be taken in good faith, and assesses an initial partial appellate filing fee of \$73.00. The order directs installment payments toward the \$605 appellate filing fee under the Prison Litigation Reform Act.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Camela C. Theeler
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	January 14, 2026
DOCKET	4:23-CV-04137-CCT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se under 42 U.S.C. § 1983, moved to proceed in forma pauperis on an interlocutory or potentially premature appeal from the court's screening order and its order denying reconsideration. He also moved to compel prison officials to provide financial information needed for the in forma pauperis application.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential
PARTIES	Mark Anthony Christians v. Michael Joe Hanvey, Kellie Wasko, Alyssa Welbig, Dan Sullivan, Aramark Correctional Services, LLC, Steven Swygert, Timothy Schneider, Melissa Maturan, Teresa Bittinger, Cierra Revolorio, Seth Hughes, Jeannie Bertsch, Shelby Black, Ryan Vanderaa, Penny Lindsay, John and/or Jane Doe(s),

TOPICS

appellate procedure prisoners rights section 1983 civil rights appellate jurisdiction

PRACTICE AREAS

Prisoner civil rights Appellate procedure In forma pauperis proceedings Civil procedure

QUESTIONS PRESENTED

1. Whether Christians was entitled to an order compelling the South Dakota Department of Corrections to provide financial information for his prisoner trust-account report.
2. Whether Christians qualified to proceed in forma pauperis on appeal and, if so, what initial partial appellate filing fee was required under the Prison Litigation Reform Act.
3. Whether the appeal appeared to be taken in good faith despite the possibility that the notice of appeal was premature because no final judgment had been entered.

HOLDINGS

1. The court denied Christians's motion to compel because he provided no specific, detailed evidence that he had unsuccessfully attempted to obtain a certified prisoner trust-account report and supporting financial statements without court intervention.
2. The court granted Christians leave to proceed in forma pauperis on appeal because the available certified trust-account information showed that he lacked sufficient funds to pay the appellate filing fee in full at the outset, while his appeal appeared to be taken in good faith.
3. Christians was required to pay an initial partial appellate filing fee of \$73.00, followed by monthly payments equal to 20 percent of the funds credited to his trust account during the preceding month until the \$605 appellate filing fee was paid in full.

KEY QUOTATIONS

“Under the Prison Litigation Reform Act (PLRA), a prisoner who “brings a civil action or files an appeal in forma pauperis . . . shall be required to pay the full amount of a filing fee.”” (Analysis)

“Irrespective of the court’s approach to the merits of the appeal, the prisoner’s liability for the full payment of the appellate filing fees under the PLRA continues until full payment has been made which may be long after . . . dispos[al] of the appeal.” (Analysis)

FACTUAL BACKGROUND

Christians is an inmate in the custody of the South Dakota Department of Corrections who filed a pro se civil-rights action. He asserted that prison staff were preventing him from obtaining the certified trust-account report and six months of financial statements needed to support his in forma pauperis application. Unlike in earlier

cases, he supplied no specific evidence showing that he had unsuccessfully attempted to obtain the required records without court intervention. The court relied on an available certified trust-account report showing an average monthly deposit of \$129.58 and an average monthly balance of \$365.00.

PROCEDURAL HISTORY

Christians paid the filing fee when he initiated the action and later filed an amended complaint. The court screened the amended complaint under 28 U.S.C. § 1915A, dismissing some claims and allowing others to proceed. Christians moved for reconsideration, which the court denied, and then filed a notice of appeal. In this order, the court denied his motion to compel financial information, granted leave to proceed in forma pauperis on appeal, and assessed an initial partial appellate filing fee of \$73.00 to be collected through installments.

DISPOSITION

other

CASES CITED

- Henderson v. Norris, 129 F.3d 481, 484-85 (8th Cir. 1997) (per curiam)
- Christians v. Young, 4:20-CV-04083-LLP, Docket 405 at 3 (D.S.D. May 15, 2025)
- Christians v. Christensen, 4:22-CV-04072-LLP, Docket 121 at 2-3 (D.S.D. May 15, 2025)
- Christians v. Young, 4:20-CV-04083-LLP, Dockets 402, 402-1, 403 (D.S.D.)
- Christians v. Christensen, 4:22-CV-04072-LLP, Dockets 117, 117-2, 118 (D.S.D.)