

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO,
WESTERN DIVISION AT DAYTON

PATRICIA A. GRANT, PH.D. v. DEBORAH ELAINE GRANT SEABRON,
PH.D, Individually and as Executor/Administrator of The Estate of Burnett
Grant, et al.

Grant · No. 3:25-cv-391 · Decided March 12, 2026

SUMMARY

The United States District Court for the Southern District of Ohio overruled the plaintiff’s objections and adopted the magistrate judge’s recommendation denying her application to proceed in forma pauperis. The court ordered payment of the filing and administrative fees by March 31, 2026, warned that nonpayment could result in dismissal, and denied leave to appeal in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Michael J. Newman
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	March 12, 2026
DOCKET	3:25-cv-391
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a pro se plaintiff's timely objections to a magistrate judge's report and recommendation recommending denial of in forma pauperis status.
STANDARD OF REVIEW	The court stated that it reviewed the objections and filings de novo under 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(a), and concluded that the report and recommendation was not clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- civil procedure
- standard of review
- appellate jurisdiction
- final judgment rule
- probate procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- probate

QUESTIONS PRESENTED

1. Whether the plaintiff's objections to the magistrate judge's report and recommendation should be sustained.
2. Whether the plaintiff should be permitted to proceed in forma pauperis.
3. Whether the plaintiff should be ordered to pay the filing and administrative fees.
4. Whether the court could certify that an appeal would not be taken in good faith and deny leave to appeal in forma pauperis.

HOLDINGS

1. The plaintiff's objections were properly overruled because the report and recommendation was not clearly erroneous or contrary to law.
2. The plaintiff's application to proceed in forma pauperis was denied.
3. The plaintiff was ordered to pay \$405, consisting of the \$350 filing fee and \$55 administrative fee, by March 31, 2026, with notice that failure to pay could result in dismissal.
4. No appeal was presently available because the order was not a final appealable order and the plaintiff's claims remained pending; the court certified that an appeal would not be taken in good faith and denied leave to appeal in forma pauperis.

KEY QUOTATIONS

“Finally, no appeal is presently available in this case because this Order is not a final appealable order and Plaintiff’s claims remain pending.”

“Judge Gentry’s R&R is not “clearly erroneous or ... contrary to law.””

FACTUAL BACKGROUND

Patricia A. Grant, proceeding pro se, brought claims against Deborah Elaine Grant Seabron and attorney Johnny W. Thomas while seeking leave to proceed in forma pauperis. The magistrate judge recommended denial of the IFP application, and Grant filed timely objections. The district court accepted Grant's factual allegations as true and liberally construed her pro se filings, but found no merit in the objections.

PROCEDURAL HISTORY

Plaintiff filed the action with an application to proceed in forma pauperis. Magistrate Judge Caroline H. Gentry issued a report and recommendation recommending denial of the application, and Plaintiff timely objected. After reviewing the objections and filings, the district court overruled the objections, adopted the report and recommendation, denied IFP status, ordered payment of the filing and administrative fees, and denied leave to appeal in forma pauperis.

DISPOSITION

other

CASES CITED

- Nathaniel Brent v. Wayne Cty. Dep't of Human Servs., Brent v. Wayne Cnty. Dep't of Hum. Servs., 901 F.3d 656, 676 (6th Cir. 2018)
- Sultaana v. Jerman, No. 1:15-cv-382, 2020 WL 13889761, at *5 (N.D. Ohio Jan. 7, 2020)
- Cleaver v. Elias, 852 F.2d 266, 267 (7th Cir. 1988)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT DAYTON PATRICIA A. GRANT, PH.D., Plaintiff, Case No. 3:25-cv-391 vs. DEBORAH ELAINE GRANT SEABRON, District Judge Michael J. Newman PH.D, Individually and as Executor/ Magistrate Judge Caroline H. Gentry Administrator of The Estate of Burnett Grant, et al., Defendants.

ORDER: (1) OVERRULING PLAINTIFF'S OBJECTIONS (Doc.

No. 6); (2) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. No. 5); (3) DENYING PLAINTIFF'S IN FORMA PAUPERIS APPLICATION; (4) ORDERING PLAINTIFF TO PAY THE FILING FEE AND ADMINISTRATIVE FEE BY MARCH 31, 2026; (5) PUTTING PLAINTIFF ON NOTICE THAT SHOULD SHE NOT PAY THE REQUIRED FEES, HER CASE MAY BE DISMISSED; (6) CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH; AND (7) DENYING PLAINTIFF LEAVE TO APPEAL IN FORMA PAUPERIS

Plaintiff Patricia A. Grant, Ph.D, brings this case pro se under an application to proceed in forma pauperis ("IFP") against Defendants Deborah Elaine Grant Seabron, Ph.D, and attorney Johnny W. Thomas.

Doc. No 1-1. On January 10, 2026, Magistrate Judge Caroline H. Gentry issued a Report and Recommendation ("R&R") in which she recommended that the Court deny Plaintiff's IFP application. Doc. No. 5. Plaintiff filed timely objections to the R&R. Doc. No. 6.

Thus, her objections to the R&R are now ripe for review. The Court has reviewed de novo, as required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), Plaintiff's objections and all filings in this matter. Liberally construing Plaintiff's pro se filings in her favor and accepting her factual allegations as true, the Court finds no merit in Plaintiff's objections.

See *Brent v. Wayne Cnty. Dep't of Hum. Servs.*, 901 F.3d 656, 676 (6th Cir. 2018) ("We liberally construe pro se filings"). Judge Gentry's R&R is not "clearly erroneous or ... contrary to law." 28 U.S.C. § 636(b)(1) (A); see Fed. R. Civ. P. 72(a).

Accordingly, Plaintiff's objections are OVERRULED. The R&R is hereby ADOPTED. As such, the Court ORDERS Plaintiff to pay \$405 (the \$350 filing fee plus a \$55 administrative fee) in full by March 31, 2026. Plaintiff is hereby ON NOTICE that, should she not pay the required fees by March 31, 2026, her case may be dismissed.

Finally, no appeal is presently available in this case because this Order is not a final appealable order and Plaintiff's claims remain pending. See 28 U.S.C. § 1291; cf. *Sultaana v. Jerman*, No. 1:15- cv-382, 2020 WL 13889761, at *5 (N.D. Ohio Jan. 7, 2020) (quoting *Cleaver v. Elias*, 852 F.2d 266, 267 (7th Cir. 1988) ("An appeal is possible in the absence of [a Rule 58 final judgment] only if the district court has clearly disposed of all pending matters"))).

Because of this and for the reasons set forth herein, the Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a) (3), that an appeal of this Order would not be taken in good faith, and consequently, DENIES Plaintiff leave to appeal this Order in forma pauperis. IT IS SO ORDERED. March 11, 2026 s/Michael J. Newman Hon. Michael J. Newman United States District Judge

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