

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Horton v. Superintendent Mark Miller, et al.

Horton v. Superintendent Mark Miller, 25-CV-9876 (LTS) (S.D.N.Y. Nov. 26, 2025) · No. 25-CV-9876 (LTS) ·
Decided November 26, 2025

SUMMARY

The Southern District of New York directs an incarcerated pro se plaintiff to either pay the filing fees or submit a completed prisoner authorization specifying deductions from his prison account. The order explains the requirements for proceeding in forma pauperis under 28 U.S.C. § 1915 and warns that failure to comply within thirty days will result in dismissal.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Laura Taylor Swain
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	November 26, 2025
DOCKET	25-CV-9876 (LTS)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se incarcerated plaintiff commenced a civil action and submitted an application to proceed in forma pauperis and a prisoner authorization. The court issued an order directing plaintiff either to pay the filing fees or submit a corrected prisoner authorization.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Anthony Horton v. Superintendent Mark Miller, et al.

TOPICS

prisoners rights civil procedure

PRACTICE AREAS

civil procedure prisoner litigation civil rights

QUESTIONS PRESENTED

1. Whether an incarcerated plaintiff seeking to proceed in forma pauperis must submit a signed and sufficiently complete prisoner authorization permitting installment deductions from his prison account.
2. Whether the court should permit the action to proceed when the submitted prisoner authorization does not specify the amount to be deducted.

HOLDINGS

1. A prisoner seeking to proceed without prepayment of fees must submit a prisoner authorization directing the correctional facility to deduct the filing fee from the prisoner's account in installments and to provide certified account statements as required by statute.
2. The plaintiff must, within thirty days, either pay the required fees or complete and submit the attached prisoner authorization; failure to comply will result in dismissal of the action.
3. Any appeal from the order would not be taken in good faith, and in forma pauperis status is denied for purposes of an appeal.

FACTUAL BACKGROUND

Plaintiff is incarcerated at Upstate Correctional Facility and seeks to proceed with a civil action without prepaying filing fees. He submitted an in forma pauperis application and a handwritten prisoner authorization, but the authorization did not specify the amount to be deducted from his prison account.

PROCEDURAL HISTORY

Anthony Horton filed a civil action in the Southern District of New York, submitted an in forma pauperis application, and submitted a handwritten prisoner authorization. Because the authorization did not specify the amount to be deducted from his prison account, the court gave him thirty days to pay the required fees or file a completed authorization and stated that the action would be dismissed for noncompliance.

DISPOSITION

other

CASES CITED

- *Coppedge v. United States*, 369 U.S. 438 (1962)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK ANTHONY HORTON, Plaintiff, 25-CV-9876 (LTS) -against- ORDER DIRECTING PRISONER SUPERINTENDENT MARK MILLER, ET AUTHORIZATION AL., Defendants. LAURA TAYLOR SWAIN, Chief United States District Judge: Plaintiff, who is currently incarcerated at Upstate Correctional Facility, brings this action pro se.

To proceed with a civil action in this Court, a prisoner must either pay \$405.00 in fees – a \$350.00 filing fee plus a \$55.00 administrative fee – or, to request permission to proceed without prepayment of fees, submit a signed IFP application and a prisoner authorization. See 28 U.S.C. §§ 1914, 1915. If the Court grants a prisoner’s IFP application, the Prison Litigation Reform Act requires the Court to collect the \$350.00 filing fee in installments deducted from the prisoner’s account.

See 28 U.S.C. § 1915(b)(1). A prisoner seeking to proceed in this Court without prepayment of fees must therefore also authorize the Court to withdraw these payments from his account by filing a “prisoner authorization,” which directs the facility where the prisoner is incarcerated to deduct the \$350.00 filing fee¹ from the prisoner’s account in installments and to send to this Court certified copies of the prisoner’s account statements for the past six months.

See 28 U.S.C. § 1915(a)(2), (b). ¹ The \$52.00 administrative fee for filing a civil action does not apply to persons granted IFP status under 28 U.S.C. § 1915. Plaintiff submitted an IFP application and a prisoner authorization, but the prisoner authorization is handwritten and does not specify the amount of money to be deducted from the Plaintiff’s prison account.

Within thirty days of the date of this order, Plaintiff must either pay the \$405.00 in fees or complete and submit the attached prisoner authorization. If Plaintiff submits the prisoner authorization, it should be labeled with docket number 25-CV-9876 (LTS).² No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk’s Office.

If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED. Dated: November 26, 2025 New York, New York /s/ Laura Taylor Swain LAURA TAYLOR SWAIN Chief United States District Judge ² Plaintiff is cautioned that if a prisoner files an action that is dismissed as frivolous or for failing to state a claim, the dismissal is a “strike” under 28 U.S.C. § 1915(g). A prisoner who receives three “strikes” cannot file actions in forma pauperis as a prisoner, unless he is under imminent danger of serious physical injury, and must pay the filing fee at the time of filing any new action.