

**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

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.