

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Jessie Adams v. Sergio Jiminez

Adams · No. 26-4008-TC-BGS · Decided January 23, 2026

SUMMARY

The United States District Court for the District of Kansas grants Jessie Adams’s application to proceed without prepaying fees under 28 U.S.C. § 1915(a)(1). The court directs the Clerk’s Office not to issue summons at this time because issues in the complaint are addressed in a contemporaneously filed Report and Recommendation of Dismissal.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Brooks G. Severson
JURISDICTION	United States District Court for the District of Kansas
DECIDED	January 23, 2026
DOCKET	26-4008-TC-BGS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed in forma pauperis in a newly filed civil action.
STANDARD OF REVIEW	The decision to grant or deny in forma pauperis status under 28 U.S.C. § 1915 is within the district court's sound discretion.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Jessie Adams v. Sergio Jiminez

TOPICS

civil procedure

PRACTICE AREAS

Civil procedureFederal courts

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated sufficient financial inability to pay the filing fee to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether the Clerk's office should issue summons after the in forma pauperis application was granted.

HOLDINGS

1. Plaintiff established an inability to pay the filing fee and was granted permission to commence the action without prepayment of fees.
2. The Clerk's office was directed not to issue summons at that time, absent further order from the court.

KEY QUOTATIONS

“To succeed on a request to proceed IFP, “the movant must show a financial inability to pay the required filing fees.””

“Proceeding IFP “in a civil case is a privilege, not a right – fundamental or otherwise.””

FACTUAL BACKGROUND

Jessie Adams, proceeding pro se, filed an application to commence the action without prepaying fees or costs. Adams also filed a financial affidavit, and the court found that the information demonstrated an inability to pay the filing fee. The court separately identified issues in the Complaint and issued a contemporaneous Report and Recommendation of Dismissal.

PROCEDURAL HISTORY

Plaintiff submitted an application to proceed without prepaying fees or costs and a supporting financial affidavit. The district court granted the application but directed the Clerk's office not to issue summons at that time because issues in the Complaint were addressed in a contemporaneously filed Report and Recommendation of Dismissal.

DISPOSITION

other

CASES CITED

- Lister v. Dep't of Treasury, 408 F.3d 1309, 1312 (10th Cir. 2005)
- White v. Colorado, 157 F.3d 1226, 1233 (10th Cir. 1998)
- Engberg v. Wyoming, 265 F.3d 1109, 1122 (10th Cir. 2001)

OPINION

Adams

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS
JESSIE ADAMS,
Plaintiff, v. Case No. 26-4008-TC-BGS
SERGIO JIMINEZ,
Defendant.

ORDER GRANTING APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF FEES

This matter comes before the Court on the “Application to Proceed in District Court without Prepaying Fees or Costs” filed by Plaintiff Jessie Adams, who is representing himself pro se. (Doc. 2, sealed.) The motion requests leave for Plaintiff to proceed in forma pauperis (“IFP application”). (Id.) Plaintiff also contemporaneously filed the requisite financial affidavit in support of his motion. (Doc. 3-1, sealed.) Under 28 U.S.C. § 1915(a), a federal court may authorize commencement of a civil action “without prepayment of fees or security therefor, by a person who submits an affidavit that ... the person is unable to pay such fees or give security therefor.” To succeed on a request to proceed IFP, “the movant must show a financial inability to pay the required filing fees.” *Lister v. Dep’t of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005). Proceeding IFP “in a civil case is a privilege, not a right – fundamental or otherwise.” *White v. Colorado*, 157 F.3d 1226, 1233 (10th Cir. 1998). The decision to grant or deny IFP status under § 1915 lies within the district court’s sound discretion. *Engberg v. Wyoming*, 265 F.3d 1109, 1122 (10th Cir. 2001). Based on the financial information provided by Plaintiff in his IFP application (Doc. 2, sealed), the Court finds that Plaintiff has shown an inability to pay the filing fee. Thus, the Court grants Plaintiff’s application to proceed without prepayment of fees (Doc. 2). That stated, because of issues identified in Plaintiff’s Complaint, as discussed in the Court’s contemporaneously-filed Report & Recommendation of Dismissal, the Clerk’s office shall not proceed to issue summons in this case at this time. IT IS THEREFORE ORDERED that Plaintiff’s Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 2, sealed) is GRANTED. Pursuant to 28 U.S.C. § 1915(a)(1), Plaintiff may commence this action without prepayment of fees. The Clerk’s office shall not proceed to issue summons in this case at this time absent further Order from the Court. IT IS SO ORDERED. Dated January 23, 2026, at Wichita, Kansas.

/S/ BROOKS G. SEVERSON
Brooks G. Severson United States Magistrate Judge