

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Jessie Adams v. Sergio Jiminez

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

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

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