

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, OXFORD DIVISION

Danny Eromosele Iluobe Sr. v. Experian Information Systems, Inc.

Iluobe · No. 3:26-cv-2-MPM-JMV · Decided February 2, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi denies Danny Eromosele Iluobe Sr.'s motion for reconsideration of the denial of his application to proceed in forma pauperis. The court concludes that Plaintiff's stated income substantially exceeds his expenses and that he presents no change in controlling law or new evidence warranting reconsideration. Plaintiff is granted an additional 21 days to pay the filing fee, with failure to do so subject to a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Oxford Division
WRITING FOR THE COURT	Jane M. Virden
JURISDICTION	United States District Court for the Northern District of Mississippi, Oxford Division
DECIDED	February 2, 2026
DOCKET	3:26-cv-2-MPM-JMV
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the court's prior order denying his motion to proceed in forma pauperis.
STANDARD OF REVIEW	Reconsideration was unwarranted because Plaintiff identified neither a change in controlling law nor new evidence supporting alteration of the prior order.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Danny Eromosele Iluobe Sr. v. Experian Information Systems, Inc.

TOPICS

- motion for reconsideration
- civil procedure
- consumer protection

PRACTICE AREAS

Civil procedure

In forma pauperis proceedings

Federal litigation filing fees

Consumer protection

QUESTIONS PRESENTED

1. Whether the court should reconsider its denial of Plaintiff's application to proceed in forma pauperis based on his assertion that the reported income was gross rather than disposable income.
2. Whether Plaintiff demonstrated a change in controlling law or new evidence warranting reconsideration of the prior IFP order.

HOLDINGS

1. Reconsideration was denied because Plaintiff did not dispute the income figures in his application and presented neither a change in controlling law nor new evidence warranting reconsideration.

KEY QUOTATIONS

"Section 1915 is designed to protect those litigants who suffer true financial hardship, not those who are well-equipped to pay the filing fee but choose to allocate their resources in a different manner."

FACTUAL BACKGROUND

Plaintiff reported approximately \$6,056 per month in retirement and Social Security disability income, approximately \$248 in checking or savings accounts, one motor vehicle, and no real property or other listed assets. He reported approximately \$4,969 in monthly expenses and a \$500 alimony debt. Because his stated income exceeded his stated expenses by approximately \$1,000 per month, the court concluded that he could pay the filing fee without becoming destitute or unable to provide life's necessities.

PROCEDURAL HISTORY

Plaintiff filed the action and an application to proceed in forma pauperis on January 5, 2026. The court denied the IFP application because Plaintiff's reported income exceeded his expenses by approximately \$1,000 per month and did not demonstrate that payment of the filing fee would cause undue financial hardship. Plaintiff then moved for reconsideration, arguing that his reported income was gross rather than disposable income. The court denied reconsideration and granted Plaintiff an additional 21 days to pay the filing fee.

DISPOSITION

other

CASES CITED

- Davis v. Tisdale, No. 1:25-CV-00039-LG-BWR, 2025 WL 1914400, at *3 (S.D. Miss. Apr. 3, 2025), report and recommendation adopted, No. 1:25CV39-LG-BWR, 2025 WL 1779562 (S.D. Miss. June 27, 2025)
- Shepard v. U.S. Postal Inspection Serv., No. 2:21-cv-00106-KS-MTP, 2021 WL 3828736, at *1 (S.D. Miss. Aug. 6, 2021), report and recommendation adopted, 2021 WL 3828442 (S.D. Miss. Aug. 26, 2021)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI OXFORD DIVISION DANNY EROMOSELE ILUOBE SR. PLAINTIFF v. CIVIL ACTION NO.: 3:26-cv-2-MPM-JMV EXPERIAN INFORMATION SYSTEMS, INC. DEFENDANT ORDER DENYING MOTION FOR RECONSIDERATION This matter is before the court on Plaintiff Danny Eromosele Iluobe's Motion for Reconsideration. [Doc. No. 5].

Plaintiff seeks reconsideration of the Court's order denying his motion to proceed in forma pauperis. [Doc. No. 4]. Plaintiff filed his case and motion to proceed IFP on January 5, 2026. [Doc. 1]. Plaintiff used the IFP application form provided on the Court's website. Plaintiff's IFP motion stated that he receives approximately \$6,056 per month in income split between retirement benefits and Social Security disability benefits, that he has \$248 in his checking or saving accounts, that he owns one motor vehicle and no real property, financial instruments or other items of value.

[Doc. 2]. Against these assets, Plaintiff listed \$4,969 in monthly expenses and a \$500 alimony debt.¹ As Plaintiff's stated income exceeded his monthly expenses by approximately \$1,000, the undersigned found that Plaintiff should be able to pay the filing fee without experiencing undue financial hardship that would render him destitute and unable to provide for the necessities of life, and denied Plaintiff's motion to proceed IFP.

Plaintiff was instructed to pay the filing fee within 14 days of the date of the Order, or the undersigned would recommend dismissal of the cause of action. ¹ Several of Plaintiff's listed expenses such as those for his phone, cable, lawn, and YMCA membership likely do not qualify as necessities of life, but nonetheless are included in the total expenses.

On January 15, 2026, Plaintiff filed the present motion requesting that the Court reconsider the denial of his motion to proceed in forma pauperis. [Doc. 5]. In it, Plaintiff states that he does not dispute the income figures he stated in his IFP application, but notes that those figures reflect "gross income" not "disposable income". This argument has little merit. "Section 1915 is designed to protect those litigants who suffer true financial hardship, not those who are well-equipped to pay the filing fee but choose to allocate their resources in a different manner." *Davis v. Tisdale*, No. 1:25-CV-00039-LG-BWR, 2025 WL 1914400, at *3 (S.D.

Miss. Apr. 3, 2025), report and recommendation adopted, No. 1:25CV39-LG-BWR, 2025 WL 1779562 (S.D. Miss. June 27, 2025). Plaintiff's income is over 4.5 times the poverty guidelines set by the Department of Health and Human Services, one measure courts have used to determine what level of income constitutes poverty for Section 1915. See *Shepard v. U.S. Postal Inspection Serv.*, No. 2:21-cv-00106-KS- MTP, 2021 WL 3828736, at *1 (S.D.

Miss. Aug. 6, 2021) (collecting cases), report and recommendation adopted, 2021 WL 3828442 (S.D. Miss. Aug. 26, 2021). As Plaintiff presents no change in controlling law and no new evidence, Plaintiff provides no support for the Court to reconsider its previous order applying the law. THEREFORE, IT IS ORDERED that Plaintiff's Motion for Reconsideration is denied.

Plaintiff is given an additional 21 days from the date of this order, or through Monday, February 23, 2026, to pay the filing fee. Failure to do so will result in the undersigned recommending dismissal of this matter. SO ORDERED, this, the 2nd day of February, 2026. /s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE