

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Pierre Nathaniel Parker v. Peggy Horst et al.

Parker · No. 4:25-cv-00329-SRC · Decided November 25, 2025

SUMMARY

The United States District Court for the Eastern District of Missouri grants Pierre Nathaniel Parker’s renewed application to proceed in forma pauperis and assesses an initial partial filing fee of \$55.27 under 28 U.S.C. § 1915. The Court also grants Parker additional time to file an amended prisoner civil-rights complaint including all intended defendants. Parker must pay the fee and file the amended complaint by January 9, 2026, or the action may be dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Stephen R. Clark
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	November 25, 2025
DOCKET	4:25-cv-00329-SRC
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner plaintiff sought leave to proceed in forma pauperis and moved for leave to file an amended complaint after the Court had previously directed him to submit an amended complaint and either pay the filing fee or submit a compliant in forma pauperis application.
PRECEDENTIAL VALUE	unpublished

TOPICS

- prisoners rights
- civil rights
- motion to amend
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Parker satisfied the statutory requirements to proceed in forma pauperis under 28 U.S.C. § 1915.
2. What initial partial filing fee should be assessed based on Parker's certified inmate-account statement.
3. Whether Parker's motion for leave to file an amended complaint should be construed as a request for additional time when the Court had already granted permission to add a defendant.
4. Whether Parker must include all claims and defendants he intends to pursue in the amended complaint.

HOLDINGS

1. Parker's renewed in forma pauperis application should be granted because he submitted the required affidavit and a certified inmate-account statement covering the relevant six-month period.
2. Parker must pay an initial partial filing fee of \$55.27.
3. When the Court had already granted Parker's request to add a defendant, his subsequent motion for leave to file an amended complaint was properly construed as a request for additional time to file the amended complaint.
4. Parker's amended complaint must completely replace the original complaint and include every claim and defendant he intends to pursue.

KEY QUOTATIONS

“The agency having custody of the prisoner shall forward payments from the prisoner’s account to the [C]lerk of the [C]ourt each time the amount in the account exceeds \$10 until the filing fees are paid.”
(Section I)

“Because the Court already granted Parker’s initial request, it construes this new motion as a request for additional time.” (Section II)

FACTUAL BACKGROUND

Parker is a prisoner litigant who initiated a civil-rights action and sought to proceed without prepaying the filing fee. His initial application was denied because it lacked a compliant inmate-account statement. He later filed a certified statement showing account activity from September 13, 2024, through March 13, 2025, and filed a motion for leave to amend instead of the amended complaint previously ordered by the Court.

PROCEDURAL HISTORY

The Court previously denied Parker's initial in forma pauperis application without prejudice because he had not submitted a compliant inmate-account statement. The Court ordered him to pay the filing fee or renew his application and also directed him to file an amended complaint. Parker submitted a renewed application, a certified account statement, and a motion for leave to file an amended complaint. The Court granted the renewed in forma pauperis application, assessed an initial partial filing fee, construed the motion as a request for additional time, and allowed the amended complaint to be filed by January 9, 2026.

DISPOSITION

other

CASES CITED

- Miller v. Norris, 247 F.3d 736, 739 (8th Cir. 2001)
- In re Wireless Tel. Fed. Cost Recovery Fees Litig., 396 F.3d 922, 928 (8th Cir. 2005)

OPINION

Parker

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

PIERRE NATHANIEL PARKER,)

) Plaintiff,)) v.) Case No. 4:25-cv-00329-SRC) PEGGY HORST et al.,)) Defendants.)

Memorandum and Order In September 2025, the Court denied without prejudice Pierre Nathaniel Parker's application to proceed in forma pauperis because he did not submit an inmate-account statement that complied with 28 U.S.C. § 1915(a)(2). Doc. 10 at 2 (The Court cites to page numbers as assigned by CM/ECF.). The Court ordered Parker to, no later than October 30, 2025, either (i) pay the full \$405 filing fee or (ii) file a renewed in forma pauperis application and certified inmate-account statement, both compliant with section 1915(a) and Local Rule 2.05(A). Id. at 4. In that same order, the Court granted Parker's request to add a defendant to this action and instructed him to file, by the same date, an amended complaint that includes the new defendant. Id. at 3. Parker has since filed a renewed in forma pauperis application, doc. 12, and a new certified inmate-account statement, doc. 13. But instead of filing an amended complaint, Parker submitted a Motion for Leave to File an Amended Complaint. Doc. 11. For the reasons explained below, the Court grants Parker's renewed in forma pauperis application and allows him additional time to file his amended complaint. I. Filing fee Congress mandates that federal courts collect a filing fee from a party instituting any civil action, suit, or proceeding. 28 U.S.C. § 1914. Courts may waive prepayment of this fee for individuals who demonstrate an inability to pay. 28 U.S.C. § 1915(a)(1). When a court grants such a waiver, the plaintiff may proceed in forma pauperis. To obtain in forma pauperis status, a prisoner litigant must file an affidavit demonstrating the inability to pay. 28 U.S.C. § 1915(a)(1). In addition to the standard in forma pauperis affidavit, a prisoner must provide a certified copy of his inmate-account statement for the "6-month period immediately preceding the filing of the complaint." 28 U.S.C. § 1915(a)(2). If the prisoner litigant lacks sufficient funds, the Court assesses an initial partial filing fee equal to 20 percent of the higher of the average monthly deposits or the average monthly balance in the prisoner litigant's account. 28 U.S.C. § 1915(b)(1). After that, the prisoner litigant must make monthly payments equal to 20

percent of his income until the prisoner litigant pays the fee in full. 28 U.S.C. § 1915(b)(2). “The agency having custody of the prisoner shall forward payments from the prisoner’s account to the [C]lerk of the [C]ourt each time the amount in the account exceeds \$10 until the filing fees are paid.” *Id.* Parker filed a certified inmate-account statement showing transaction activity from September 13, 2024, through March 13, 2025. Doc. 13 at 2. Based on the information in his certified inmate-account statement, the average monthly deposit was \$276.33, and the average monthly balance was \$106.30. The greater of those figures is \$276.33, and 20 percent of \$276.33 is \$55.27. The Court therefore grants Parker’s application to proceed in forma pauperis, doc. 12, and assesses an initial partial filing fee of \$55.27. II. Amended complaint In its prior order, the Court granted Parker’s request to add a defendant and directed him to file an amended complaint no later than October 30, 2025. Doc 10 at 3. Parker instead filed a Motion for Leave to File an Amended Complaint. Doc. 11. Because the Court already granted Parker’s initial request, it construes this new motion as a request for additional time. See *Miller v. Norris*, 247 F.3d 736, 739 (8th Cir. 2001) (construing pro se motion liberally in favor of prisoner litigant). The Court grants the request and cautions Parker that an amended complaint completely replaces the original complaint. See *In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005). Parker must therefore include every claim he intends to pursue in his amended complaint. See *id.* III. Conclusion Accordingly, the Court grants Parker’s [12] renewed in forma pauperis application and assesses an initial partial filing fee of \$55.27. Parker must pay that sum to the Clerk of Court no later than January 9, 2026. The Court also grants Parker’s [11] Motion for Leave to File an Amended Complaint. Parker must file, no later than January 9, 2026, an amended complaint that includes all defendants he intends to sue. The Court directs the Clerk of Court to mail Parker the Court’s standard prisoner civil-rights complaint form. If Parker does not pay the initial partial filing fee and file an amended complaint by January 9, 2026, the Court may dismiss this case without prejudice and without further notice. So ordered this 25th day of November 2025. sur. CL

STEPHEN R. CLARK a

CHIEF UNITED STATES DISTRICT JUDGE