

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON

Dustin M. Kinnett v. State of Ohio et al.

Kinnett · No. 3:25-cv-248 · Decided February 2, 2026

SUMMARY

The United States District Court for the Southern District of Ohio adopted a magistrate judge’s report and recommendation concerning Plaintiff Dustin M. Kinnett’s motion to proceed in forma pauperis. The court denied the motion and ordered Plaintiff to pay the \$405.00 filing fee within 30 days, warning that failure to pay could result in dismissal for failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Thomas M. Rose
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	February 2, 2026
DOCKET	3:25-cv-248
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to proceed in forma pauperis. A magistrate judge recommended denying the motion and ordering Plaintiff to pay the filing fee. The district court conducted de novo review, adopted the Report and Recommendation, denied in forma pauperis status, and ordered Plaintiff to pay the filing fee.
STANDARD OF REVIEW	De novo review of the record under 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff should be permitted to proceed in forma pauperis.
2. Whether the district court should adopt the magistrate judge's Report and Recommendation in the absence of objections.

HOLDINGS

1. Plaintiff's motion for leave to proceed in forma pauperis is denied, and Plaintiff must pay the \$405 filing fee.
2. Plaintiff was ordered to pay the \$405 filing fee within 30 days, with failure to pay potentially resulting in dismissal for failure to prosecute.

FACTUAL BACKGROUND

The opinion concerns Plaintiff's request to proceed without prepaying the filing fee. The court relied on the magistrate judge's recommendation that in forma pauperis status be denied and that Plaintiff pay the Court's \$405 filing fee.

PROCEDURAL HISTORY

Plaintiff filed a motion for leave to proceed in forma pauperis in this civil action. Magistrate Judge Caroline H. Gentry issued a Report and Recommendation recommending denial of that motion and payment of the \$405 filing fee. No objections were filed, and the district court adopted the Report and Recommendation after de novo review.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 630–31 (1962)

OPINION

SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT DAYTON DUSTIN M. KINNETT,; Case No. 3:25-cv-248 Plaintiff,; District Judge Thomas M. Rose vs.: Magistrate Judge Caroline H. Gentry STATE OF OHIO et al.,; Defendants.: ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY IN FORMA PAUPERIS STATUS AND ORDER PLAINTIFF TO PAY THE FILING COSTS (DOC. NO. 7) Currently before the Court is the Report and Recommendation to Deny in forma pauperis Status and Order Plaintiff to Pay the Filing Costs (the "Report") (Doc.

No. 7) issued by Magistrate Judge Caroline H. Gentry. In the Report, Magistrate Judge Gentry recommends that Plaintiff's Motion for Leave to Proceed in forma pauperis (Doc. No. 1) be denied and that Plaintiff be ordered to pay the Court's \$405.00 filing fee. (Doc. No. 7 at PageID 53–54.)

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Noting that no objections to Magistrate Judge Gentry's Report have been filed and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby ADOPTS the Report and Recommendation to Deny in forma pauperis Status and Order Plaintiff to Pay the Filing Costs (Doc.

No. 7). It is therefore ORDERED that: 1. Plaintiff's Motion for Leave to Proceed in forma pauperis (Doc. No. 1) is DENIED; 2. Plaintiff shall pay the \$405.00 filing fee within 30 days of the full filing fee, his case may be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b); see also *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962). DONE and ORDERED in Dayton, Ohio, this Monday, February 2, 2026. s/Thomas M. Rose _____
THOMAS M. ROSE UNITED STATES DISTRICT JUDGE