

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Austin Watkins v. Cotton Correctional Facility

Watkins · No. 2:25-cv-12556 · Decided January 22, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan dismissed Austin Watkins’s 42 U.S.C. § 1983 civil rights complaint without prejudice. The dismissal was based on his failure to pay the filing and administrative fee or provide the required documentation to proceed in forma pauperis under the Prison Litigation Reform Act.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	January 22, 2026
DOCKET	2:25-cv-12556
DISPOSITION	dismissed
PROCEDURAL POSTURE	A prisoner filed a pro se 42 U.S.C. § 1983 complaint after the case was transferred from the Western District of Michigan. The district court had ordered him to pay the filing and administrative fee or submit a complete application to proceed in forma pauperis. After he failed to comply, the court dismissed the action without prejudice for want of prosecution.
PRECEDENTIAL VALUE	Unpublished district court opinion; persuasive value only.

TOPICS

- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- prisoner civil rights
- civil procedure
- in forma pauperis filing requirements

QUESTIONS PRESENTED

1. Whether a prisoner’s § 1983 complaint may be dismissed without prejudice when the prisoner fails to pay the filing fee or provide the documentation required to proceed in forma pauperis after receiving

notice of the deficiency and an opportunity to cure.

HOLDINGS

1. When a prisoner does not pay the full filing fee and fails to provide the documents required to proceed in forma pauperis after being notified of the deficiency and given 30 days to correct it, the district court must presume the prisoner is not a pauper, assess the full filing fee, and dismiss the action for want of prosecution. Because Watkins failed to comply with the deficiency order, dismissal without prejudice was proper.

KEY QUOTATIONS

“The Prisoner Litigation Reform Act of 1995 (PLRA) states that “if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee.””

“Accordingly, the Court DISMISSES WITHOUT PREJUDICE the complaint under 28 U.S.C. §§ 1915(a)(1), (b)(1), and (2) for failure to comply with the filing requirements of the Prison Litigation Reform Act.”

FACTUAL BACKGROUND

Austin Watkins, who was incarcerated at Bellamy Creek Correctional Facility, filed a pro se civil-rights complaint under 42 U.S.C. § 1983. Although he submitted an in forma pauperis application, he omitted authorization to withdraw funds and the required computerized trust-account transaction history for the preceding six months. He neither paid the \$405 filing and administrative fee nor supplied the missing documentation after receiving a 30-day deficiency order.

PROCEDURAL HISTORY

The case was transferred to the Eastern District of Michigan. Chief Magistrate Judge David R. Grand issued an August 18, 2025 deficiency order directing Plaintiff within 30 days to pay the \$405 filing and administrative fee or submit a complete in forma pauperis application, including authorization to withdraw funds and a six-month computerized trust-account transaction history. Plaintiff did neither, so the district court dismissed the complaint without prejudice and closed the case.

DISPOSITION

dismissed

CASES CITED

- In Re Prison Litigation Reform Act, 105 F.3d 1131, 1138 (6th Cir. 1997)
- Boussum v. Washington, 649 F. Supp. 3d 525, 529 (E.D. Mich. 2023)
- Boussum v. Washington, 655 F. Supp. 3d 636 (E.D. Mich. 2023)
- McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997)
- Erby v. Kula, 113 F. App'x 74, 75-76 (6th Cir. 2004)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION AUSTIN WATKINS Plaintiff, Case No. 2:25-cv-12556 v. Honorable Denise Page Hood COTTON CORRECTIONAL FACILITY, Defendant. OPINION AND ORDER DISMISSING CIVIL RIGHTS CASE WITHOUT PREJUDICE FOR FAILURE TO PAY THE FILING FEE OR SUBMIT AN APPLICATION TO PROCEED IN FORMA PAUPERIS This case comes before the Court on transfer from the United States District Court for the Western District of Michigan.

Austin Watkins is currently incarcerated at the Bellamy Creek Correctional Facility in Ionia Michigan. He filed a pro se complaint pursuant to 42 U.S.C. § 1983. On August 18, 2025, Chief Magistrate Judge David R. Grand signed an order of deficiency in this case. (ECF No. 6.)

The order was issued because Plaintiff failed to file a completed application to proceed in forma pauperis or pay the filing and administrative fee of \$405.00. (Id.) The order directed Plaintiff to either pay the fee or provide an application to proceed without prepayment of fees and costs (i.e., in forma pauperis) that includes: (1) authorization to withdraw from the Plaintiff's trust fund account, (2) certification of Plaintiff's trust account from an authorized prison official, and (3) a computerized account transaction history for the preceding six months or pay the fee.

(Id.) While Plaintiff had submitted an application to proceed in forma pauperis, he failed to include an authorization to withdraw and his computerized account transaction history for the preceding six months. Plaintiff was to comply with this order within 30 days. (Id.)

To date, Plaintiff has neither paid the filing fee nor supplied the requested documentation. The Prisoner Litigation Reform Act of 1995 (PLRA) states that "if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee." 28 U.S.C. § 1915(b)(1)(as amended). See also *In Re Prison Litigation Reform Act*, 105 F.3d 1131, 1138 (6th Cir.

1997). The in forma pauperis statute, 28 U.S.C. § 1915(a), does provide prisoners the opportunity to make a "downpayment" of a partial filing fee and pay the remainder in installments. See *Boussum v. Washington*, 649 F. Supp. 3d 525, 529 (E.D. Mich. 2023); reconsideration denied, 655 F. Supp. 3d 636 (E.D. Mich. 2023).

Under the PLRA, a prisoner may bring a civil action in forma pauperis if he or she files an affidavit of indigency and a certified copy of the trust fund account statement for the six-month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a). If the inmate does not pay the full filing fee and fails to provide the required documents, the district court must notify the prisoner of the deficiency and grant him or her thirty days to correct it or pay the full fee.

See *McGore v. Wigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997). If the prisoner does not comply, the district court must presume that the prisoner is not a pauper, assess the inmate the full fee, and order the case dismissed for want of prosecution. *Id.* Accordingly, the Court will dismiss the complaint for want of prosecution, because of Plaintiff's failure to comply with Magistrate Judge Grand's deficiency order by failing to timely pay the filing fee or to provide the requested documentation needed to proceed in forma pauperis.

See, e.g., *Erby v. Kula*, 113 F. App'x 74, 75-76 (6th Cir. 2004). Accordingly, the Court DISMISSES WITHOUT PREJUDICE the complaint under 28 U.S.C. §§ 1915(a)(1), (b)(1), and (2) for failure to comply with the filing requirements of the Prison Litigation Reform Act. This is a final order that closes this case. IT IS SO ORDERED. s/Denise Page Hood DENISE PAGE HOOD United States District Judge Dated: January 22, 2026