

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Johnny Ray Foster v. NaphCare Incorporated, et al.

No. CV-26-00251-PHX-JAT (DMF) (D. Ariz. Feb. 2, 2026) · No. No. CV-26-00251-PHX-JAT (DMF) · Decided February 2, 2026

SUMMARY

The United States District Court for the District of Arizona orders pro se prisoner Johnny Ray Foster to pay the \$350 filing fee and \$55 administrative fee or submit a complete application to proceed in forma pauperis with a certified six-month trust-account statement within 30 days. The order warns that failure to comply may result in dismissal without prejudice and includes instructions and a court form for prisoners seeking in forma pauperis status.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	James A. Teilborg
JURISDICTION	United States District Court for the District of Arizona
DECIDED	February 2, 2026
DOCKET	No. CV-26-00251-PHX-JAT (DMF)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights complaint under 42 U.S.C. § 1983 without paying the filing and administrative fees or submitting an application to proceed in forma pauperis. The district court issued an order allowing 30 days to cure those deficiencies and warning that failure to comply would result in dismissal without prejudice.
PRECEDENTIAL VALUE	unknown

TOPICS

[prisoners rights](#) [section 1983](#) [civil rights](#) [civil procedure](#)

PRACTICE AREAS

[prisoner civil rights](#) [civil procedure](#) [in forma pauperis proceedings](#)

QUESTIONS PRESENTED

1. What must a prisoner submit to proceed with a civil action without prepaying filing fees?

2. What consequence may follow if a prisoner fails to pay the required fees or submit a complete in forma pauperis application and certified six-month trust-account statement within the court-ordered period?

HOLDINGS

1. A prisoner commencing a civil action must either pay the \$350 filing fee and \$55 administrative fee or submit a properly executed application to proceed in forma pauperis with the required affidavit and certified six-month trust-account statement.
2. If Plaintiff fails within 30 days to pay the required fees or file a complete in forma pauperis application and certified trust-account statement, the Clerk must enter judgment dismissing the action without prejudice and without further notice.

KEY QUOTATIONS

“If Plaintiff fails to either pay the \$350.00 filing fee and \$55.00 administrative fee or file a complete Application to Proceed In Forma Pauperis within 30 days, the Clerk of Court must enter a judgment of dismissal of this action without prejudice and without further notice to Plaintiff” (at 3-4)

FACTUAL BACKGROUND

Plaintiff was confined in the Arizona State Prison Complex-Lewis when he filed a pro se civil-rights complaint under 42 U.S.C. § 1983. He did not pay the required filing and administrative fees and did not submit an application to proceed in forma pauperis. The court noted that the Arizona Department of Corrections could provide the required certified trust-account statement through its Central Office.

PROCEDURAL HISTORY

On January 14, 2026, Johnny Ray Foster filed a prisoner civil-rights complaint while confined in the Arizona State Prison Complex-Lewis. He neither paid the \$350 filing fee and \$55 administrative fee nor filed an application to proceed in forma pauperis. The district court ordered him to pay the fees or submit a complete application and certified six-month trust-account statement within 30 days.

DISPOSITION

other

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)