

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

Gary Dee Bice v. Andrea Beth Cotner

Bice · No. 1:26-cv-00064-MTS · Decided April 9, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denies Gary Dee Bice’s application to proceed without prepaying fees or costs because he failed to submit a certified six-month inmate trust account statement. The court gives him until May 8, 2026, to prepay the filing fee or submit a proper application and certified account statement, and also denies his motion to appoint counsel.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Southeastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Southeastern Division
DECIDED	April 9, 2026
DOCKET	1:26-cv-00064-MTS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed in forma pauperis without prepaying fees or costs and moved for appointment of counsel at the outset of the action.
PRECEDENTIAL VALUE	Unknown; district court memorandum and order
PARTIES	Gary Dee Bice v. Andrea Beth Cotner

TOPICS

civil procedure costs

PRACTICE AREAS

civil procedure prisoner litigation in forma pauperis proceedings appointment of counsel

QUESTIONS PRESENTED

1. Whether plaintiff satisfied the statutory requirements to proceed in district court without prepaying fees or costs.
2. Whether plaintiff's motion for appointment of counsel should be granted.

HOLDINGS

1. A prisoner seeking to proceed without prepaying fees or costs must submit a certified copy of the institutional trust-fund account statement for the six-month period immediately preceding the filing of the complaint; because plaintiff failed to do so, his application was properly denied.
2. Appointment of counsel was denied because plaintiff had not properly shown indigence, had not completed the motion, and the case did not appear at that stage to present circumstances warranting appointment of counsel.

KEY QUOTATIONS

“Federal law requires prisoners seeking to proceed without prepayment of fees to “submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6- month period immediately preceding the filing of the complaint.” ”

FACTUAL BACKGROUND

Plaintiff, who is incarcerated, sought to proceed without prepaying the filing fee but did not submit the certified six-month inmate trust-account statement required by federal law. He also failed to complete his motion for appointment of counsel. The court further determined that plaintiff had not properly shown indigence and that appointment of counsel did not appear appropriate at that stage of the case.

PROCEDURAL HISTORY

Plaintiff filed an application to proceed without prepaying fees or costs and a motion to appoint counsel. The district court denied both motions, allowed plaintiff until May 8, 2026, either to prepay the \$405 filing fee or submit a proper application with a certified six-month inmate account statement, and warned that failure to do so would result in dismissal without further notice.

DISPOSITION

other

CASES CITED

- Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998)
- Carter v. Broward Sheriff's Dep't Med. Dep't, 558 F. App'x 919, 923 (11th Cir. 2014) (per curiam)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION GARY DEE BICE,)) Plaintiff,)) vs.) Case No. 1:26-cv-00064-

MTS) ANDREA BETH COTNER,)) Defendant.) MEMORANDUM AND ORDER This matter is before the Court on Plaintiff Gary Dee Bice's Application to Proceed in District Court Without Prepaying Fees or Costs, Doc.

[2], and his Motion to Appoint Counsel, Doc. [3]. The Court will deny each Motion. Federal law requires prisoners seeking to proceed without prepayment of fees to "submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6- month period immediately preceding the filing of the complaint." 28 U.S.C. § 1915(a)(2).

Plaintiff failed to do so even though the application he completed also noted this requirement. Doc. [2] ("I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name."). No later than Friday, May 08, 2026, Plaintiff Bice must either (1) prepay the entire \$405 filing fee or (2) properly complete a new application to proceed in district court without prepaying fees or costs and submit it along with a certified copy of his inmate account statement.

If he fails to do one of those two options, the Court will dismiss his action without further notice. The Court also will deny his Motion to Appoint Counsel. Doc. [3]. First, he has not properly shown he is indigent for the reasons explained above. See 28 U.S.C. § 1915(e)(1).

Second, he failed to complete the entirety of the Motion. Doc. [3]. And third, this case does not, at least at this stage, appear to be one where the appointment of counsel is appropriate. See *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) (discussing the "relevant factors" a district court should consider when "determining whether to appoint counsel for an indigent civil litigant"); see also *Carter v. Broward Sheriff's Dep't Med.*

Dep't, 558 F. App'x 919, 923 (11th Cir. 2014) (per curiam) (noting that a district court should only appoint counsel to an indigent plaintiff "in exceptional circumstances"). Accordingly, IT IS HEREBY ORDERED that Plaintiff Gary Dee Bice's Application to Proceed in District Court Without Prepaying Fees or Costs, Doc.

[2], is DENIED. No later than Friday, May 08, 2026, Plaintiff must prepay the filing fee or submit a proper application and certified account statement consistent with this Memorandum and Order. IT IS FURTHER ORDERED that Plaintiff's Motion to Appoint Counsel, Doc.

[3], is DENIED. Dated this 9th day of April 2026.) □ □ Al Pe UNITED STATES DISTRICT JUDGE _2-