

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

David Hightower v. State of Missouri, et al.

Hightower · No. No. 4:25-cv-00138-JMB · Decided December 5, 2025

SUMMARY

The United States District Court for the Eastern District of Missouri ordered Plaintiff David Hightower to pay an initial appellate filing fee of \$8.20. The fee was calculated on remand from the Eighth Circuit under Henderson v. Norris after Plaintiff failed to provide an updated prison account statement.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	John M. Bodenhausen
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	December 5, 2025
DOCKET	No. 4:25-cv-00138-JMB
DISPOSITION	other
PROCEDURAL POSTURE	On remand from the United States Court of Appeals for the Eighth Circuit, the district court calculated and ordered payment of an initial appellate partial filing fee.
PRECEDENTIAL VALUE	unpublished
PARTIES	David Hightower v. State of Missouri, et al.

TOPICS

- appellate procedure
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. What initial partial appellate filing fee should be assessed when the plaintiff fails to provide the requested prison account statement?
2. Whether \$8.20 was a reasonable initial partial appellate filing fee based on the available account information.

HOLDINGS

1. Because Plaintiff did not provide the requested updated prison account statement, the court could calculate the initial partial appellate filing fee using the available information; \$8.20 was a reasonable amount.

KEY QUOTATIONS

“it shall calculate the initial appellate partial filing fee at \$35 or such other reasonable amount warranted by available information.”

FACTUAL BACKGROUND

The Eighth Circuit remanded the case for calculation and collection of Plaintiff's appellate filing fee. Plaintiff did not provide the updated six-month prison account statement requested by the district court. The district court had previously calculated an initial partial filing fee of \$8.20 based on a prison account statement Plaintiff filed on February 3, 2025.

PROCEDURAL HISTORY

The Eighth Circuit remanded the matter for calculation and collection of the appellate filing fee pursuant to *Henderson v. Norris*. The district court had previously ordered Plaintiff to submit an updated six-month prison account statement, but he did not do so. Using the \$8.20 initial partial filing fee previously calculated from Plaintiff's February 3, 2025 prison account statement, the court ordered Plaintiff to pay \$8.20 toward the appellate filing fee within 30 days.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiff must pay an initial appellate filing fee of \$8.20 within 30 days of the order and make the remittance payable to the Clerk, United States District Court, including his name, prison registration number, case number, and an indication that the remittance is for an appellate proceeding.

CASES CITED

- *Henderson v. Norris*, 129 F.3d 481 (8th Cir. 1997)

OPINION

Hightower

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

DAVID HIGHTOWER,)

) Plaintiff,)) v.) No. 4:25-cv-00138-JMB) STATE OF MISSOURI, et al.,)) Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on remand from the United States Court of Appeals for the Eighth Circuit for calculation and collection of the appellate filing fee pursuant to *Henderson v. Norris*, 129 F.3d 481 (8th Cir. 1997). See Doc. 11. The Court previously ordered Plaintiff to file an updated copy of his prison account statement for the past six months, but Plaintiff has not done so. Under *Henderson*, if the Court does not receive a copy of Plaintiff's prison account statement, "it shall calculate the initial appellate partial filing fee at \$35 or such other reasonable amount warranted by available information." *Henderson*, 129 F.3d at 485. The Court calculated Plaintiff's initial partial filing fee in the district court at \$8.20 based on the prison account statement he filed on February 3, 2025. Doc. [5]. The Court finds \$8.20 to be a reasonable amount for the initial partial appellate filing fee. IT IS HEREBY ORDERED that Plaintiff must pay an initial appellate filing fee of \$8.20 within 30 days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and include on it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an appellate proceeding. Dated this 5th day of December, 2025. /s/ John M. Bodenhausen

JOHN M. BODENHAUSEN

UNITED STATES MAGISTRATE JUDGE