

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Michael West v. Carol Gillan, et al.

West v. Gillan · No. No. 25cv12164 (EP) (JBC) · Decided January 28, 2026

SUMMARY

The United States District Court for the District of New Jersey denied without prejudice Michael West’s third application to proceed in forma pauperis because it contained numerous unanswered questions and insufficient information for the Court to assess his ability to pay. The Court gave Plaintiff 30 days to pay the civil filing and administrative fees or submit a properly completed Form AO 239, and directed the Clerk to mail him the form and a copy of the order.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Evelyn Padin
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 28, 2026
DOCKET	No. 25cv12164 (EP) (JBC)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a civil-rights complaint and sought leave to proceed in forma pauperis. After twice being directed to submit a properly completed application or pay the required fees, plaintiff submitted a third application that contained numerous blanks. The district court denied the application without prejudice and permitted plaintiff to reopen the action by paying the fees or submitting a complete application.
STANDARD OF REVIEW	The court reviewed the sufficiency and completeness of the IFP application to determine whether plaintiff had demonstrated inability to pay the required fees.
PRECEDENTIAL VALUE	Unpublished memorandum order; not for publication.

TOPICS

- civil procedure
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff's incomplete IFP application satisfied the requirements for proceeding without prepayment of fees under 28 U.S.C. § 1915(a).
2. Whether the court should deny the IFP application without prejudice and allow plaintiff to reopen the action by paying the required fees or submitting a complete application.

HOLDINGS

1. An IFP application containing numerous unanswered questions does not provide the court with sufficient information to determine whether the applicant is unable to pay the required fees; the application may therefore be denied without prejudice.
2. The denial of the incomplete IFP application is without prejudice, and plaintiff may reopen the action within 30 days by paying the required fees or submitting a properly completed Form AO 239 application.

KEY QUOTATIONS

“Complete all questions in [the] application” (Third IFP Application at 1)

“not [to] leave any blanks: if the answer to a question is ‘0,’ ‘none,’ or ‘not applicable (N/A),’ write that response.” (Third IFP Application at 1)

“The Court is therefore “unable to determine whether Plaintiff has the ability to pay fees and costs.”” (Memorandum Order)

FACTUAL BACKGROUND

Michael West alleged that defendants deprived him of rights under the Fourth and Fifth Amendments. He did not pay the \$350 civil filing fee or the \$55 administrative fee and instead sought IFP status. Although he eventually used the correct Form AO 239, the application contained numerous blank entries, including the amount of cash he possessed and all of Question 7, preventing the court from determining his ability to pay.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging violations of the Fourth and Fifth Amendments and submitted an improperly formatted IFP application. The court directed him to pay the filing and administrative fees or use Form AO 239, but he submitted another incorrect form. After a second order, plaintiff submitted the correct form, but it remained incomplete. The court denied the third IFP application without prejudice and set a 30-day period for plaintiff to pay the fees or submit a properly completed application.

DISPOSITION

other

CASES CITED

- *Watson v. Washington Twp. of Gloucester Cty. Pub. Sch. Dist.*, No. 09-3650, 2009 WL 2778282, at *2 (D.N.J. Aug. 28, 2009)

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