

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)

## OPINION

NOT FOR PUBLICATION UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY  
MICHAEL WEST, Plaintiff, No. 25cv12164 (EP) (JBC) MEMORANDUM ORDER CAROL GILLAN, et al., Defendants. PADIN, District Judge. Pro se Plaintiff Michael West alleges deprivation of his rights under the Fourth and Fifth Amendments of the United States Constitution. D.E. 1 ('Complaint'). Plaintiff has neither paid the applicable \$350 filing fee for a civil case under 28 U.S.C. § 1914(a), nor the \$55 administrative fee under Appendix K to the Local Civil Rules.

With his Complaint, Plaintiff submitted a document styled as an application to proceed in forma pauperis ("IFP") under 28 U.S.C. § 1915(a). D.E. 1-3 ("First IFP Application"). However, Plaintiff did not use the proper form required by the Court (Form AO 239, available at <https://www.njd.uscourts.gov/sites/njd/files/forms/AO-239.pdf>).

On August 26, 2025, the Court accordingly entered an order explaining that Plaintiff had not met the requirements for IFP status and informing Plaintiff that he must either pay the filing and administrative fees or submit a properly completed IFP application on Form AO 239 (with which the Court provided Plaintiff). D.E. 5. Plaintiff did not file a properly completed IFP application on Form AO 239 as ordered by the Court.

Instead, he filed an application on the incorrect form. D.E. 6 ("Second IFP Application"). On October 27, 2025, the Court accordingly entered a second order explaining that Plaintiff had not met the requirements for IFP status and informing Plaintiff that he must either pay the filing and administrative fees or submit a properly completed IFP application on Form AO 239 (with which the Court again provided Plaintiff).

D.E. 7. Plaintiff has now submitted an IFP application on the correct form. D.E. 8 ("Third IFP Application"). Upon review of Plaintiff's Third IFP Application, however, it appears that he has not provided all the necessary information required by the instructions set forth in the application, which requires applicants to "[c]omplete all questions in [the] application" and instructs applicants "not [to] leave any blanks: if the answer to a question is '0,' 'none,' or 'not applicable (N/A),' write that response." See Third IFP Application at 1.

Here, Plaintiff's Third IFP Application has numerous blank entries, including, but not limited to, as requested in Question 4, "[h]ow much cash" he has, and the entirety of Question 7. See *id.* at 1-5. The Court is therefore "unable to determine whether Plaintiff has the ability to pay fees and costs." *Watson v. Washington Twp. of Gloucester Cty. Pub. Sch. Dist.*, No. 09-3650, 2009 WL 2778282, at \*2 (D.N.J.

Aug. 28, 2009). Accordingly, IT IS, on this 28<sup>th</sup> day of January 2026, ORDERED that Plaintiff's Third IFP Application, D.E. 8, is DENIED without prejudice; and it is further ORDERED that if Plaintiff wishes to reopen this action he shall either, within 30 days of entry of this Order: (1) pay the \$405 civil filing and administrative fees, pursuant to 28 U.S.C. § 1914(a) and Appendix K to the Local Civil Rules; or (2) submit a properly completed IFP application on Form AO 239, available at <https://www.njd.uscourts.gov/sites/njd/files/forms/AO-239.pdf>; and it is further ORDERED that the Clerk of Court shall send Plaintiff a blank Form AO 239 by regular mail; and it is finally ORDERED that the Clerk of Court shall send a copy of this Order to Plaintiff by regular mail.

Sel, ☐☐☐ Evelyn Padin, U.S.D.J.