

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Phillips v. Lancaster County Corrections, County Jail; Boris Kapor

Phillips · No. 8:25-cv-00691 · Decided February 20, 2026

SUMMARY

The United States District Court for the District of Nebraska ordered Ian Jon Phillips to show cause why his prisoner civil-rights action should not be dismissed for failing to pay the required initial partial filing fee. The court gave Phillips 30 days to respond and directed that the case be dismissed without prejudice if he failed to show sufficient cause.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	John M. Gerrard
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	February 20, 2026
DOCKET	8:25-cv-00691
DISPOSITION	other
PROCEDURAL POSTURE	The court addressed case management after granting Plaintiff leave to proceed in forma pauperis and ordering payment of an initial partial filing fee. Because Plaintiff had not paid the fee or requested an extension, the court ordered him to show cause why the action should not be dismissed.
PRECEDENTIAL VALUE	Unknown; memorandum and order with no reporter citation
PARTIES	Ian Jon Phillips v. Lancaster County Corrections, County Jail, Boris Kapor

TOPICS

- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether an imprisoned civil plaintiff who has not paid an ordered initial partial filing fee should be given an opportunity to show cause before the action is dismissed.
2. Whether the case should be dismissed at that time for Plaintiff's failure to pay the initial partial filing fee.

HOLDINGS

1. Before dismissing the action for nonpayment of the initial partial filing fee, the court must allow Plaintiff to show that the failure to pay resulted from circumstances beyond his control, including prison officials' failure to process a request to remit payment from his account.
2. Immediate dismissal was not warranted; Plaintiff was given 30 days to show cause, and the case would be dismissed without prejudice and without further notice if he failed to show sufficient cause.

KEY QUOTATIONS

“If Plaintiff’s failure to pay by the Court’s deadline was caused by prison officials’ failure to adhere to his request to remit payment using funds from his account or other circumstances beyond his control, his failure to pay within the time ordered by the Court will be excused.”

“In the absence of cause shown, this case will be dismissed without prejudice and without further notice.”

FACTUAL BACKGROUND

Plaintiff is an imprisoned civil litigant proceeding in forma pauperis. The court ordered him to pay an initial partial filing fee of \$5.80, but he had not paid the fee or sought additional time by the date of the order. The court recognized that nonpayment may be excused if caused by prison officials' failure to process a payment request or by other circumstances beyond Plaintiff's control.

PROCEDURAL HISTORY

Plaintiff filed an imprisoned civil action and moved to proceed in forma pauperis. On January 13, 2026, the court granted IFP status and ordered Plaintiff to pay an initial partial filing fee of \$5.80 within 30 days. After Plaintiff neither paid nor requested an extension, the court issued a 30-day show-cause order rather than immediately dismissing the case.

DISPOSITION

other

CASES CITED

- In re Tyler, 110 F.3d 528, 529–30 (8th Cir. 1997)
- Jackson v. N.P. Dodge Realty Co., 173 F. Supp. 2d 951 (D. Neb. 2001)
- Taylor v. Cassady, 570 Fed. App'x. 632 (8th Cir. 2014)

OPINION

Phillips

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

IAN JON PHILLIPS,

Plaintiff, 8:25CV691 vs.

MEMORANDUM AND ORDER

LANCASTER COUNTY

CORRECTIONS, County Jail; and BORIS KAPOR, Adult Detention Officer (correctional officer); Defendants. This matter is before the Court for case management. The Prison Litigation Reform Act requires an imprisoned civil plaintiff to pay the Court's entire filing fee, either at the outset when filing the complaint, or in installments if the Court grants leave to proceed in forma pauperis ("IFP"). In re Tyler, 110 F.3d 528, 529–30 (8th Cir. 1997); Jackson v. N.P. Dodge Realty Co., 173 F. Supp. 2d 951 (D. Neb. 2001). On January 13, 2026, the Court granted Plaintiff's motion seeking leave to proceed IFP and ordered him to pay an initial partial filing fee in the amount of \$5.80 within 30 days. See Filing No. 8. To date, Plaintiff has not paid the initial partial filing fee or asked for an extension of time in which to do so. Accordingly, the Court will require Plaintiff to show cause why this case should not be dismissed for his failure to pay the initial partial filing fee. If Plaintiff's failure to pay by the Court's deadline was caused by prison officials' failure to adhere to his request to remit payment using funds from his account or other circumstances beyond his control, his failure to pay within the time ordered by the Court will be excused. Absent a sufficient response, the case will be subject to dismissal. See Taylor v. Cassady, 570 Fed. App'x. 632 (8th Cir. 2014) (holding district court abused its discretion by dismissing case without first taking steps to determine whether prisoner-plaintiffs failure to pay the initial partial filing fee "was caused by circumstances beyond his control, such as prison officials' failure to adhere to his request to remit payment using funds from his account"). IT IS THEREFORE ORDERED that:

1. Plaintiff will have 30 days to show cause why this case should not be dismissed for failure to pay the initial partial filing fee. In the absence of cause shown, this case will be dismissed without prejudice and without further notice.
2. The Clerk of Court is directed to set a pro se case management deadline in this case using the following text: March 23, 2026: check for response to show cause order. Dated this 20th day of February, 2026. B jee CO ART bo n M. Gerrard enior United States District Judge