

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Jerome Wingfield v. Kevin Morse, Kevin Mullenick, Michael Licinio, Robert Holmes, Daniel Douglas, Jeffrey McAuliffe, Peter Wydish, The City of Niagara Falls Police Department, and County of Niagara

Wingfield · No. 26-CV-6090-MAV · Decided March 11, 2026

SUMMARY

The United States District Court for the Western District of New York grants pro se plaintiff Jerome Wingfield an additional opportunity to submit a properly completed prison certification supporting his application to proceed in forma pauperis or to pay the required filing and administrative fees. The court directs that any claim that prison officials refused to complete the certification must be supported by an affidavit describing the relevant circumstances, dates, and individuals involved.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Meredith A. Vacca
JURISDICTION	United States District Court for the Western District of New York
DECIDED	March 11, 2026
DOCKET	26-CV-6090-MAV
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner sought leave to proceed in forma pauperis in a § 1983 action after the court administratively closed the case for failure to pay the filing fee or submit a complete IFP application.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jerome Wingfield v. Kevin Morse, Kevin Mullenick, Michael Licinio, Robert Holmes, Daniel Douglas, Jeffrey McAuliffe, Peter Wydish, The City of Niagara Falls Police Department, County of Niagara

TOPICS

- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's incomplete in forma pauperis application, lacking the signed prison certification required for a prisoner proceeding under 28 U.S.C. § 1915(a)(2), warranted dismissal or another opportunity to cure.
2. What showing Plaintiff must make if correctional officials refused to complete or sign the prison certification.

HOLDINGS

1. A prisoner seeking to proceed in forma pauperis must submit a complete application that includes the required prison certification concerning the prisoner's inmate trust fund account, as mandated by 28 U.S.C. § 1915(a)(2).
2. The court, in its discretion, granted Plaintiff an additional opportunity to submit a signed certification, submit an affidavit supporting his claim that prison officials refused to sign the certification, or pay the required filing and administrative fees.
3. An assertion that correctional officials refused to complete or sign the prison certification must be supported by an affidavit detailing the request, the refusal, the dates of the events, and the names of the individuals involved.

KEY QUOTATIONS

“specific and supported allegations that [plaintiff] has asked prison officials to certify the trust fund account statement in accordance with §1915(a)(2), but they refuse to do so”

FACTUAL BACKGROUND

Jerome Wingfield, a prisoner at Five Points Correctional Facility, brought this action under 42 U.S.C. § 1983 and sought to proceed in forma pauperis. The court previously required him either to pay \$405.00 or submit a complete IFP application containing a signed prison certification regarding his inmate trust fund account. Wingfield submitted an application without the certification and asserted that prison officials had refused to sign it.

PROCEDURAL HISTORY

The court administratively closed the action on January 30, 2026, because Plaintiff neither paid the filing fee nor submitted a complete IFP application containing the required signed prison certification. Plaintiff later submitted an IFP application without the certification and stated that prison officials refused to sign it. The court granted an additional opportunity to submit the certification, provide a supporting affidavit, or pay the filing and administrative fees, and directed the Clerk to reopen the case upon compliance.

DISPOSITION

other

CASES CITED

- Williams v. Mestas, 355 F. App'x 222, 225 n.2 (10th Cir. 2009)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK JEROME WINGFIELD, Plaintiff, 26-CV-6090-MAV v. ORDER KEVIN MORSE, KEVIN MULENICK, MICHAEL LICINIO, ROBERT HOLMES, DANIEL DOUGLAS, JEFFREY McAULIFFE, PETER WYDISH, THE CITY OF NIAGARA FALLS POLICE DEPARTMENT, and COUNTY OF NIAGARA, Defendants. INTRODUCTION Pro se Plaintiff, Jerome Wingfield, is confined at the Five Points Correctional Facility and seeks to proceed in forma pauperis (IFP”) in this action brought pursuant to 42 U.S.C. § 1983.

ECF No. 10. By Order dated January 30, 2026, the Court administratively closed Plaintiffs case because he did not pay the filing fee or submit an application to proceed IFP. ECF No. 7. That Order specifically informed Plaintiff that to be complete, his IFP application must contain a completed and signed prison certification in which the requisite prison official sets forth information concerning Plaintiffs inmate trust fund account statement as mandated under 28 U.S.C. § 1915(a)(2).

The Court gave Plaintiff 30 days to submit a complete IFP application, including the signed prison certification, or pay the \$405.00 total to commence the action. Plaintiff submitted an IFP application, but it does not include a signed certification. ECF No. 10. Plaintiff states that prison officials refused to sign the certification section. Id. at 7. Plaintiff has been informed of the minimum steps he must take to submit a proper IFP application but has not complied with the Court's Order.

As a matter of discretion, the Court will provide Plaintiff with an additional opportunity to fix this error. Plaintiff has until April 17, 2026 to either (1) submit a signed certification or (2) pay the \$405.00 in filing and administrative fees.

To the extent that Plaintiff is asserting that correctional officials have refused to complete and/or sign the prison certification, any such assertion must be supported by an affidavit detailing the circumstances of Plaintiff's request to prison officials to complete and sign the prison certification and the correctional officials' refusal to comply, including the dates of such events and the names of the individuals involved.

See Williams v. Mestas, 355 F. App'x 222, 225 n.2 (10th Cir. 2009) Gmplying the need for “specific and supported allegations that [plaintiff] has asked prison officials to certify the trust

fund account statement in accordance with §1915(a)(2), but they refuse to do so”).

CONCLUSION The Court will grant Plaintiff an additional opportunity to submit a prison certification, and he has until April 17, 2026 to (1) submit a signed prison certification, (2) an affidavit detailing the circumstances of his request to prison officials to complete and sign the prison certification, or (3) pay the \$405.00 in filing and administrative fees.

To assist Plaintiff, the Clerk of Court shall send him a blank in forma pauperis application form that includes the prison certification. Upon Plaintiffs submission of either (1) the required signed certification or (2) \$405.00, the Clerk of Court shall reopen this case. SO ORDERED. Dated: March _| , 2026 Rochester, New York HON. MEREDITH A. VACCA United States District Judge