

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, EASTERN DIVISION

Edward Howell Robertson v. Haywood County Jail

Robertson · No. 1:26-cv-01076-JDB-tmp · Decided April 13, 2026

SUMMARY

This order directs incarcerated plaintiff Edward Howell Robertson to comply with the requirements of 28 U.S.C. § 1915(a)(1)-(2) by submitting a certified six-month trust account statement or paying the \$405 civil filing fee. It provides thirty days for compliance and warns that failure to comply may result in denial of in forma pauperis status, assessment of the full fee, and dismissal under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee, Eastern Division
WRITING FOR THE COURT	J. Daniel Breen
JURISDICTION	United States District Court for the Western District of Tennessee, Eastern Division
DECIDED	April 13, 2026
DOCKET	1:26-cv-01076-JDB-tmp
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner filed a pro se civil-rights complaint under 42 U.S.C. § 1983 and an application to proceed in forma pauperis. The district court directed him to pay the full filing fee or submit a certified six-month trust-account statement before his IFP request could be considered.
PRECEDENTIAL VALUE	district court order; precedential status not stated
PARTIES	Edward Howell Robertson v. Haywood County Jail

TOPICS

- prisoners rights
- section 1983
- civil procedure
- costs
- sanctions

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner litigation
- In forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether a prisoner seeking to proceed in forma pauperis must submit a certified copy of the trust-account statement for the six months preceding the filing of the complaint.
2. Whether the court may direct the prisoner to pay the full civil filing fee or submit the required trust-account statement and warn that noncompliance may result in denial of IFP status, assessment of the entire fee, and dismissal.

HOLDINGS

1. Under 28 U.S.C. § 1915(a)(2), a prisoner seeking to use the PLRA installment-payment procedure must submit, with the complaint, an IFP affidavit and a certified copy of the prisoner's trust-account statement for the six months immediately preceding filing.
2. If Robertson fails to comply timely, the court may deny leave to proceed in forma pauperis, assess the entire \$405 filing fee from his trust account without the installment procedure, and dismiss the action under Federal Rule of Civil Procedure 41(b).

FACTUAL BACKGROUND

Edward Howell Robertson was incarcerated at the Haywood County Jail in Brownsville, Tennessee when he filed a pro se § 1983 complaint. He also sought leave to proceed in forma pauperis but submitted neither the required certified trust-account statement for the preceding six months nor the filing fee. The court therefore required him to cure the deficiency by paying the full \$405 fee or filing the certified account statement.

PROCEDURAL HISTORY

On April 9, 2026, Robertson filed a § 1983 complaint and a short-form IFP application. He had neither paid the \$405 civil filing fee nor submitted the certified trust-account statement required by the Prison Litigation Reform Act. The court ordered compliance within thirty days and warned that failure to comply could result in denial of IFP status, assessment of the full fee, and dismissal under Federal Rule of Civil Procedure 41(b).

DISPOSITION

other

CASES CITED

- McGore v. Wigglesworth, 114 F.3d 601, 605 (6th Cir. 1997)
- LaFountain v. Harry, 716 F.3d 944, 951 (6th Cir. 2013)
- Bruce v. Samuels, 577 U.S. 82, 84-85 (2016)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE EASTERN DIVISION EDWARD HOWELL ROBERTSON, Plaintiff, v. No. 1:26-
cv-01076-JDB-tmp HAYWOOD COUNTY JAIL, Defendant.

ORDER DIRECTING PLAINTIFF TO COMPLY WITH 28 U.S.C. § 1915(A)(1)-(2) OR PAY \$405 CIVIL FILING FEE On April 9, 2026, the Plaintiff, Edward Howell Robertson, who is currently incarcerated at the Haywood County Jail in Brownsville, Tennessee, filed a pro se civil complaint pursuant to 42 U.S.C. § 1983 (Docket Entry (“D.E.”) 1) and a motion for leave to proceed in forma pauperis (“IFP”) consisting of the two-page Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form) (D.E.

2). Under the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. §§ 1915(a)-(b), a prisoner bringing a civil action must pay the filing fee required by 28 U.S.C. § 1914(a).¹ Although the obligation to pay the fee accrues at the moment the case is filed, see *McGore v. Wigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), partially overruled on other grounds by *LaFountain v. Harry*, 716 F.3d. 944, 951 (6th Cir.

2013), the PLRA provides the prisoner the opportunity to make a “down payment” of a partial filing fee and pay the remainder in installments. See *Bruce v.* ¹The civil filing fee is \$350. 28 U.S.C. § 1914(a). The Schedule of Fees requires an additional administrative fee of \$55 for filing any civil case. Local Fees | Western District of Tennessee | United States District Court (uscourts.gov) (last accessed Apr.

10, 2026). The additional fee will not apply if leave to proceed IFP is ultimately granted. *Samuels*, 577 U.S. 82, 84-85 (2016) (addressing payment of fees under §§ 1915(b)(1)-(2)). However, to take advantage of the installment procedure, the prisoner must properly complete and submit to the district court, along with the complaint, an IFP affidavit and a certified copy of his trust account statement for the last six months immediately preceding the filing of the complaint.

28 U.S.C. § 1915(a)(2). Robertson has neither paid the civil filing fee nor filed a certified copy of his trust account statement. He is therefore ORDERED to submit, within thirty days of the date of this order, (1) the entire \$405 civil filing fee; OR (2) a certified copy of his trust account statement for the last six months immediately preceding the filing of the complaint.

If Plaintiff needs additional time to pay the filing fee or file the required document(s), he may request one thirty-day extension of time from the Court. See *McGore*, 114 F.3d at 605. However, if he fails to comply with this order in a timely manner, the Court will deny leave to proceed IFP, assess the entire \$405 filing fee from his trust account without regard to the installment payment procedure, and dismiss the action without further notice pursuant to Federal Rule of Civil Procedure 41(b).

See *id.* Robertson is ORDERED to notify the Court immediately, in writing, of any change of address. If he fails to abide by this requirement or any other directive hereof, the Court may impose appropriate sanctions, up to and including dismissal of this action, without any additional

notice or hearing by the Court. IT IS SO ORDERED this 13th day of April 2026. s/ J. DANIEL
BREEN UNITED STATES DISTRICT COURT

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