

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Clint Phillips, III v. Unknown Lawton, et al.

No. 4:25-cv-00221-SEP (E.D. Mo. Mar. 23, 2026) · No. No. 4:25-cv-00221-SEP · Decided March 23, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denies Clint Phillips III’s motion to proceed in forma pauperis, finding that his reported income and financial circumstances show he can pay the filing fee while meeting his necessities. The Court orders him to pay the \$405 filing fee by April 17, 2026, or face dismissal without prejudice. The Court also denies without prejudice his request for summary judgment, styled as an “Order to Show Cause,” because service and discovery had not occurred.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Sarah E. Pitlyk
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	March 23, 2026
DOCKET	No. 4:25-cv-00221-SEP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil-rights action under 42 U.S.C. § 1983 and moved to proceed in forma pauperis. He also filed a document styled as an order to show cause seeking summary judgment. The district court denied in forma pauperis status, ordered payment of the full filing fee by April 17, 2026 to avoid dismissal without prejudice, and denied the summary-judgment request without prejudice.
STANDARD OF REVIEW	The court assessed whether Plaintiff demonstrated that he was unable to pay the filing fee under 28 U.S.C. § 1915(a)(1), and whether his summary-judgment request was procedurally premature.
PRECEDENTIAL VALUE	Nonprecedential unpublished district-court memorandum and order
PARTIES	Clint Phillips, III v. Unknown Lawton, et al.

TOPICS

summary judgment

civil rights

civil procedure

PRACTICE AREAS

Civil procedure

Civil rights

Prisoner litigation

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated under 28 U.S.C. § 1915(a)(1) that he was unable to pay the filing fee while providing for the necessities of life.
2. Whether Plaintiff's request for summary judgment was premature before service of process and commencement of discovery.

HOLDINGS

1. Plaintiff did not demonstrate that he was unable to pay the filing fee while still providing for the necessities of life; therefore, the court denied his motion to proceed in forma pauperis and required payment of the full \$405 filing fee.
2. Plaintiff's request for summary judgment was premature because no service had been effected and discovery had not commenced; the request was denied without prejudice.

KEY QUOTATIONS

"Proceeding without prepayment of fees and costs, or in forma pauperis, is a matter of privilege, not of right." (at 2)

"To enjoy the statute's benefits, a litigant need not show that he is 'absolutely destitute,' but he must demonstrate that, because of his poverty, he cannot pay for the litigation costs and still be able to provide for the necessities of life." (at 2)

FACTUAL BACKGROUND

Plaintiff brought a § 1983 action against a police officer, the City of Bellefontaine Neighbors, and St. Louis County. In his renewed in forma pauperis motion, he reported approximately \$5,219 in monthly income, ownership of a home valued at \$164,000, and payment of his monthly expenses by a representative payee, while also reporting debts and negative bank-account balances. Before service or discovery had occurred, Plaintiff filed a document seeking summary judgment on his amended claims.

PROCEDURAL HISTORY

Plaintiff initially filed a complaint and an in forma pauperis motion. The court denied the initial motion without prejudice and directed him either to pay the filing fee or submit a new motion with additional financial information. Plaintiff filed an amended complaint and a second in forma pauperis motion, followed by an order-to-show-cause filing seeking summary judgment. The court denied the second motion, ordered payment of the

filing fee, and denied the summary-judgment request as premature because service and discovery had not occurred.

DISPOSITION

other

CASES CITED

- Phillips v. Bittick, et al., No. 4:24-cv-00048 RWS (E.D. Mo. 2024)
- Phillips v. Lawton, et al., No. 4:24-cv-00120 RLW (E.D. Mo. 2024)
- Phillips, et al. v. Bittick, et al., No. 4:24-cv-00185 RLW (E.D. Mo. 2024)
- Williams v. McKenzie, 834 F.2d 152, 154 (8th Cir. 1987)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Lee v. McDonald's Corp., 231 F.3d 456, 459 (8th Cir. 2000)

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