

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

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|--------------------------------------|---|------------|
| WAYLAND BRAXTON WILLIS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CV 126-056 |
| |) | |
| HON. SHERYL B. JOLLY and RENEE BELL, |) | |
| |) | |
| Defendants. |) | |

—————
ORDER
—————

Plaintiff commenced this case *pro se* by filing a complaint and motion to proceed *in forma pauperis* (“IFP”). (Doc. nos. 1-2.) For the reasons explained below, Plaintiff must, within twenty-one days of this Order, submit a new IFP motion.

I. MOTION TO PROCEED IFP

Plaintiff has requested permission to proceed IFP. (Doc. no. 2.) Because Plaintiff has provided inconsistent answers to the questions on the IFP motion, the Court does not have sufficient information to determine whether Plaintiff should be allowed to proceed IFP.

Under penalty of perjury and having been warned that providing a false statement may result in dismissal of his claims, Plaintiff states his average monthly income is \$400 and that he has \$12.09 in his checking account. (Id. at 1-2.) He states that his last date of employment was February 1, 2023, and that his gross monthly pay was \$3,500. (Id. at 2.) He indicates that he does not own a home, but states that he uses a company owned Jeep Cherokee. (Id. at 3.) He acknowledges expenses in excess of \$10,000; including a \$1,500 rent or home-mortgage payment,

\$500 for utilities, \$100 for home maintenance, \$400 for food, \$100 for clothing, \$20 for laundry and dry-cleaning, \$8,900 for medical and dental expenses via Am Better, and \$300 for transportation.¹ (*Id.* at 4.) He also admits spending \$10,100 on expenses for attorney fees in conjunction with this lawsuit. (*Id.* at 5.) The question that must be posed is: how does he afford the expenses he has listed if he has no income?

Plaintiff appears to fund a lifestyle where he spends over ten thousand dollars a month, drives a company car, receives health insurance, and spends thousands on attorneys' fees and expenses but also declares "under penalty of perjury" that he has zero assets of any kind. (Doc. no. 2, pp. 1-5.) The Court doubts the credibility of that statement. Leave to proceed IFP is discretionary with the Court, and that discretion is to be exercised so as not to deny a party access to the courts solely on account of financial standing. See *Denton v. Hernandez*, 504 U.S. 25, 31 (1992). Although poverty sufficient to qualify under 28 U.S.C. § 1915 does not require penniless destitution, proceeding IFP is a *privilege*, not a right. See *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 198 (1993). However, the Court must have a full, accurate, and current description of Plaintiff's financial situation before determining whether Plaintiff should be allowed to proceed IFP. Accordingly, the Court **DENIES WITHOUT PREJUDICE** Plaintiff's request to proceed IFP. (Doc. no. 2.) The Court **DIRECTS** Plaintiff to submit a new motion to proceed IFP within twenty-one days of the date of this Order.²

If Plaintiff wishes to proceed IFP in this action, he must fill out the attached IFP form and provide the Court with current, accurate, and complete financial information. The enclosed Form

¹ The Court notes that the estimation of \$20,720.00 in expenses, (doc. no. 2, pp. 5), appears to double count Plaintiff's medical expenses.

² The Court **DIRECTS** the **CLERK** to enclose Form AO 239, Application to Proceed in District Court Without Prepaying Fees or Costs, stamped with the appropriate case number, with Plaintiff's service copy of this Order.

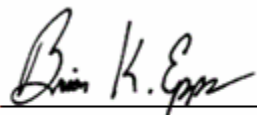
AO 239 provides Plaintiff with the specific breakdown of expenses that must be disclosed. When asked for details about expenses and income, Plaintiff must describe how much he spends each month for basic living expenses such as food, clothing, shelter, and utilities, and the dollar value of any public or private assistance he may receive. Plaintiff must describe how he gets the money to pay for those expenses (to include income from any family members who may reside with him or contribute to paying his expenses), and he must disclose whether he is the account owner, or has signature power, as to any accounts with a bank or other financial institution. Upon receipt of the new motion to proceed IFP, the Court will determine whether Plaintiff should be granted leave to proceed IFP or should be required to pay the \$405 filing fee. Of course, should he choose to do so, Plaintiff may simply pay the \$405 filing fee within twenty-one days in lieu of submitting a new IFP motion.

III. CONCLUSION

For the reasons set forth above, the Court **DENIES WITHOUT PREJUDICE** Plaintiff's request to proceed IFP. (Doc. no. 2.) Using the enclosed forms, Plaintiff must submit a new IFP motion, or pay the \$405.00 filing fee. Failure to comply with the terms of this Order within twenty-one days may result in a recommendation that this case be dismissed.

Finally, Plaintiff is cautioned that while this action is pending, Plaintiff shall immediately inform this Court of any change of address. Failure to do so will result in dismissal of this case.

SO ORDERED this 31st day of March, 2026, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA