

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

JERRY E. ROBERTSON,

Plaintiff,

v.

Civil Action No. 3:25-cv-201-DJH

JEFF. CO. ATTY'S OFFICE,

Defendant.

* * * * *

MEMORANDUM AND ORDER

Plaintiff Jerry E. Robertson filed this *pro se* action. This matter is before the Court on Plaintiff's application to proceed without the prepayment of fees (Docket No. 12). Plaintiff reports in his application that he has zero income, zero expenses, and writes zeroes for all of the other information requested in the application. Plaintiff provides no explanation for how he is able to live with no income or expenses.¹

Pursuant to 28 U.S.C. § 1915, a court "may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] possesses that the person is unable to pay such fees or give security therefore." *See* 28 U.S.C. § 1915(a)(1). A sufficient affidavit "demonstrates that one cannot, because of his or her poverty, afford to pay the costs of litigation and still provide for the necessities of life." *Laslau v. Comm'r of Soc. Sec.*, No. 16-CV-11372, 2016 U.S. Dist. LEXIS 80296, at *2 (E.D. Mich. June 21, 2016) (internal quotation marks omitted). The Sixth Circuit has recognized that "pauper status does not require absolute destitution." *Foster v. Cuyahoga Dep't of Health & Human Servs.*, 21 F. App'x 239, 240 (6th Cir. 2001) (citing *Sears, Roebuck & Co. v. Charles W.*

¹ Plaintiff attaches a number of pages to his application, but the attachments do not appear to offer information on his ability to afford the filing fee.

Sears Real Estate, Inc., 865 F.2d 22, 23 (2nd Cir. 1988)). Rather, the relevant question is “whether the court costs can be paid without undue hardship.” *Id.* It is within a court’s discretion whether to allow a litigant to proceed *in forma pauperis*. *Id.*

Upon review, the Court finds that Plaintiff’s application does not provide sufficient information to show whether he qualifies to proceed *in forma pauperis* or must be required to pay the \$405 filing fee. The Court will deny the application without prejudice to Plaintiff filing a new application in which he provides the requested information and, if necessary, provides an explanation for how he is able to live with no income or expenses. Accordingly, it is hereby

ORDERED that the application to proceed without prepayment of fees (D.N. 12) is **DENIED** without prejudice to Plaintiff filing a new application as instructed above within **thirty (30) days** of entry of this Order.

The Clerk of Court is DIRECTED to send Plaintiff a Court-approved non-prisoner application form with this case number in the caption.

Plaintiff is WARNED that failure to comply with this Order within 30 days will result in dismissal of this action.

Date: June 2, 2025



David J. Hale, Judge
United States District Court

cc: Plaintiff, *pro se*

4415.010

Other Orders/Judgments3:25-cv-00201-DJH Robertson v. Jeff. Co. Atty's Office's

U.S. District Court

Western District of Kentucky

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AUG 21 2025 4**Notice of Electronic Filing**

The following transaction was entered on 7/25/2025 at 4:07 PM EDT and filed on 7/25/2025

Case Name: Robertson v. Jeff. Co. Atty's Office's

U.S.C.A. - 7th Circuit
RECEIVED

Case Number: 3:25-cv-00201-JHM

Filer:

AUG 27 2025 4

Document Number: 16 (No document attached)

Docket Text:

TEXT ORDER OF REASSIGNMENT by Chief Judge Stivers; IT IS HEREBY ORDERED that, pursuant to the reassignment protocol set forth in GO 25-09 this matter is reassigned to the docket of Senior Judge Joseph H. McKinley, Jr. for all further proceedings.

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

cc: counsel, ES (JM)

3:25-cv-00201-JHM Notice has been electronically mailed to:

3:25-cv-00201-JHM Notice will not be electronically mailed to.:

Jerry E. Robertson
3626 W Garland Ave
Louisville, KY 40211-2703

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

JERRY E. ROBERTSON

PLAINTIFF

v.

CIVIL ACTION NO. 3:25-CV-201-JHM

JEFF. CO. ATTY'S OFFICE

DEFENDANT

MEMORANDUM AND ORDER

Plaintiff Jerry E. Robertson filed this *pro se* action. By prior Memorandum and Order, the Court denied Plaintiff's application to proceed without the prepayment of fees finding that it did not provide sufficient information to show whether he qualified to proceed *in forma pauperis* (DN 14). The Court denied the application without prejudice to Plaintiff filing a new application in which he provided the information requested in the application and, if necessary, provided an explanation for how he was able to live with no income or expenses, as he had reported in his application (DN 14). Plaintiff did not respond to the Memorandum and Order. However, he filed a document captioned, "change of venue," which was docketed as a motion for change of venue (DN 15). The motion is disjointed and makes no cogent argument in support of a change of venue or any other relief. Therefore,

IT IS ORDERED that the motion (DN 15) is **DENIED**.

The Court will give Plaintiff one final opportunity to comply with the prior Memorandum and Order. Plaintiff may file a new application to proceed without prepayment of fees in which he provides the information requested in the application and, if necessary, provides an explanation for how he is able to live with no income or expenses no later than August 18, 2025.

The Clerk of Court is DIRECTED to send Plaintiff a Court-approved non-prisoner application form with this case number in the caption.

Plaintiff is WARNED that failure to comply with this Order within the time allotted will result in dismissal of this action.

Date: July 28, 2025



cc: Plaintiff, *pro se*
4414.010

U. S. dist. ct,
Owensboro, Ky.

Jerry E. Robertson

plaintiff/appellate

V5

2:5-cv-00201-DJH

docket no.

entry

includes-judgecode 4415

transaction-id 109871

defendants/appellee's File no. 74,00

Co Name: MISC/2024

Memorandum:

We both know this isn't the civil case Kentucky's trying to force through to get me to petition to Kentucky but now since we combined the 8 pages of my civil case western dist. of Ky. order filed (4-21-25) I's taken off the table but trying to push order filed (6-2-25) but to u.s. ct. of app's sixth cir. + Cirr.

I'm not petitioning anything to Sixth Cir. past or further only the u.s. ct. of app's seventh cir. + Chicago, Illinois is the one place you keep advising why let's see submitted proceedings to western dist. of Ky. within time allowed no answer submitted motion change of venue to u.s. dist. ct. paducah, Ky. no answer but now I'm sent some sort of crap from u.s. dist. ct. owensboro, Ky. I'm to sent to western dist. of Ky. a new judge assigned no judge code or transaction id. I want copy's of order (4-21-25) + (6-2-25) also yes I can re produce copy's of everything sent to western dist. of Ky.

2. . . .
In Paducah, Ky. those procedures are just kinda I've
one question were my copy of 8 pages e-filed from Southern Dist. of
Indiana (4-9-25) to U.S. Dist. Ct. Paducah, Ky. were I submitted my
motion change of venue now some sort of order from U.S. Dist. Ct.
Owensboro, Ky. I'm to forward to Western Dist. of Ky. why.

what's so called protocol for getting my copy of 8 pages
I'm denied full docket sheet each ct. copy of orders filed two
(4-20-25) & (6-2-25) judge code n transaction id now.

lets see proceedings to order (4-20-25) submitted &
received (5-19-25) Western Dist. of Ky. no response due (6-20-25)
motion change of venue notarized (6-20-25) submitted to U.S. di-
st. Ct. Paducah, Ky. no response but a third so called order I's
to Western Dist. of Ky. but from Owensboro, Ky. third order issues
none answered in this play. Something wrong with my affidavit to
proceed without fees & costs, o problem's until now why I's that.

judiciary act of 1891 (26 Stat. 826) known as sever's act
judiciary code 1911 abolished the U.S. circuit courts & transferred their
trial jurisdictions (ch. 3 & ch. 4) (art. 226) RS, 8, 14, 8, 18, 8, 20, "

**Additional material
from this filing is
available in the
Clerk's Office.**