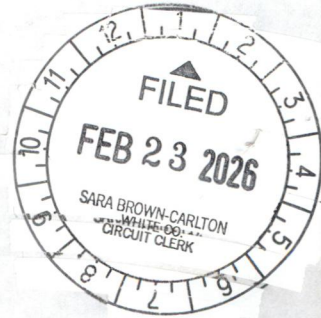




JASON MATTHEW LYNCH
Reg. No. 07405-510
Movant / Plaintiff,

v.

Case No. New filing 73CV-111-287

White County Jail et al.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

(28 U.S.C. § 1915)

COMES NOW the Movant, Jason Matthew Lynch, Reg. No. 07405-510, proceeding pro se, and respectfully moves this Honorable Court for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a), and in support thereof states as follows:

I. INTRODUCTION

The required affidavit and certified inmate account statement are attached in support of this motion.

Movant prays this Court also take into consideration the following controlling authority interpreting 28 U.S.C. § 1915(a)(1):

> "Absolute destitution is not necessary and a person is functionally indigent if he cannot pay or give security for the costs and still be able to provide himself and his dependents with the necessities of life."
Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 40 (1948).

Further, prisoners may not be forced to forgo:

> "those small amenities of life which they are permitted to acquire in prison."
Id. at 339.

Movant stipulates that he has no finances awaiting him upon release. Any funds he has received while incarcerated have been used solely for survival necessities, including commissary food, postage, TRULINCS electronic messaging credits, soap,

toothpaste, and other "small amenities allowed" within the institution.

According to publicly available DOJ 2024 2025 budget and oversight materials, and other publicly reported information, deficiencies in food service, sanitation, and institutional maintenance persist within the Federal Bureau of Prisons. At FCI El Reno, conditions include limited food variety for extended periods, sewage backup issues, black mold, and pest infestations. As an immunocompromised inmate, Movant must avoid exposure to unsanitary conditions in the chow hall to preserve his health, forcing him to purchase commissary food items marked up approximately 30% to 60%.

Additionally, FCI El Reno does not issue basic undergarments, socks, t-shirts, or hygiene items upon arrival; such items must be purchased. These facts may be verified through institutional inquiry.

As reflected in the attached certified trust account statement:

Total funds considered for IFRP purposes: \$2,771.64

Total deposits: \$3,515.24

Total withdrawals: \$3,508.25

Current balance: \$3.15

Pre-release savings: \$11.99

Movant has also attached documentation showing UNICOR wages of \$1.15 per hour.

Any funds received are rapidly expended on survival necessities within this failing institution.

II. LEGAL STANDARD

Under 28 U.S.C. § 1915(a)(1), a court may authorize commencement of a civil action without prepayment of fees by a person who submits an affidavit demonstrating inability to pay.

The statute provides:

> "Any court of the United States may authorize the commencement of any suit without prepayment of fees by a person who submits an affidavit that the person is unable to pay such fees or give security therefor."
28 U.S.C. § 1915(a)(1).

For prisoners, § 1915(a)(2) requires submission of a certified copy of the trust fund account statement for the 6-month period preceding filing, which Movant has attached.

The Supreme Court has held that the statute is intended to ensure access to the courts for indigent litigants. *Neitzke v. Williams*, 490 U.S. 319, 324 (1989).

Indigency under § 1915 does not require "absolute destitution." *Adkins*, 335 U.S. at 339 40.

The Fifth Circuit and other federal courts have consistently held that an inmate qualifies for IFP status where payment of filing fees would deprive him of basic necessities. See:

Prows v. Kastner, 842 F.2d 138, 140 (5th Cir. 1988)

Smith v. Martinez, 706 F.2d 572, 574 (5th Cir. 1983)

Startti v. United States, 415 F.2d 1115, 1116 (5th Cir. 1969)

The Prison Litigation Reform Act (PLRA), codified at 28 U.S.C. § 1915(b), provides for installment payments of filing fees when funds exist, but expressly allows suit to proceed despite indigency. Courts may not deny access to the courts based solely on minimal account balances. Bruce v. Samuels, 577 U.S. 82 (2016).

The right of access to the courts is constitutionally protected under the First and Fourteenth Amendments. Bounds v. Smith, 430 U.S. 817 (1977); Lewis v. Casey, 518 U.S. 343 (1996).

III. ARGUMENT

Movant's financial records clearly demonstrate functional indigency:

1. He earns \$1.15 per hour through UNICOR.
2. His current account balance is \$3.15.
3. His pre-release savings account holds only \$11.99.
4. Nearly all deposits are expended on basic survival necessities.
5. He has no external financial support awaiting release.

Requiring prepayment of filing fees would force Movant to choose between constitutional access to the courts and essential hygiene, food, and communication supplies necessary for survival in prison.

Such a requirement would directly contravene:

28 U.S.C. § 1915(a)

The holding in Adkins, *supra*

The constitutional guarantee of court access under Bounds, *supra*

Movant meets every statutory requirement for IFP status.

IV. REQUEST FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Movant respectfully prays that this Honorable Court:

1. Grant leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;
2. Assess any required filing fee pursuant to the installment provisions of § 1915(b), if applicable;

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3. Allow this action to proceed without prepayment of fees; and

4. Grant such other and further relief as justice requires.

Respectfully submitted,

Jason Matthew Lynch
Req. No. 07405-510

Federal Correctional Institution El Reno

Pro Se Movant