

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

AARON JORDAN,

Plaintiff,

v.

WALTON COUNTY, *et al.*,

Defendants.

CIVIL ACTION NO.
3:26-cv-00044-TES

ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS AND TO
RECAST COMPLAINT

Pro se Plaintiff Aaron Jordan commenced this civil action on April 22, 2026, by filing a complaint [Doc. 1] and moving for leave to proceed *in forma pauperis* (“IFP”)—that is, without prepaying fees and costs. [Doc. 2]. The Court has conducted an initial screening of Plaintiff’s filings. For the following reasons, the Court **GRANTS** his motion to proceed IFP, and **ORDERS** him to recast his complaint.

1. **Motion for Leave to Proceed *In Forma Pauperis***

Authority for granting a plaintiff permission to file a lawsuit without prepayment of fees and costs is found in 28 U.S.C. § 1915, which provides as follows:

[Generally], any court of the United States 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 prisoner possesses¹ that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

28 U.S.C. § 1915(a)(1). A plaintiff's application is sufficient to warrant a waiver of filing fees if it "represents that the litigant, because of his poverty, is unable to pay for the court fees and costs, and to support and provide necessities for himself and his dependents." *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir. 2004). After reviewing Plaintiff's application, the Court **GRANTS** his motion for leave to proceed IFP. [Doc. 2].

2. Frivolity Review

Since Plaintiff is proceeding *in forma pauperis*, 28 U.S.C. § 1915(e) requires the Court to review his Complaint to determine whether it is frivolous or malicious or fails to state a claim for which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(i)–(ii). The proper contours of the term "frivolous," have been defined by the Supreme Court to encompass complaints that, despite their factual allegations and legal conclusions, lack an arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). These types of complaints are subject to sua sponte dismissal by a district court. *Id.* at 324 (noting that dismissals under § 1915(e) "are often made sua sponte prior to the issuance of process, so as to spare prospective defendants the inconvenience and

¹ "Despite the statute's use of the phrase 'prisoner possesses,' the affidavit requirement applies to all persons requesting leave to proceed [*in forma pauperis*]." *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1306 n.1 (11th Cir. 2004).

expense of answering such complaints[]”).

More specifically, to survive this initial screening, a claim must contain “sufficient factual matter, accepted as true, to state a claim that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Federal Rule of Civil Procedure 12(b)(6) “authorizes a court to dismiss a claim on the basis of a dispositive issue of law.” *Neitzke*, 490 U.S. at 326 (citing *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984)). Such dismissal procedure—operating on the assumption that the factual allegations in the complaint are true—streamlines litigation by dispensing with unnecessary discovery and factfinding. *Id.* “Nothing in Rule 12(b)(6) confines its sweep to claims of law which are obviously unsupportable.” *Id.* at 327. To the contrary, if it is clear, as a matter of law, that no relief could be granted under “any set of facts that could be proven with the allegations,” a claim must be dismissed. *Id.* (quoting *Hishon*, 467 U.S. at 73).

Frivolity review under § 1915(e), on the other hand, has a separate function. Section 1915(e) is designed to discourage the filing of—and waste of judicial and private resources upon—baseless lawsuits that paying litigants generally do not initiate due to filing costs and the potential threat of sanctions associated with filing such a lawsuit. *Id.* “To this end, the statute accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of [a] complaint’s factual allegations and dismiss those claims whose factual contentions are clearly baseless.” *Id.* Even though Rule 12 and § 1915(e) both counsel dismissal and

share “considerable common ground” with each other, one dismissal standard does not invariably encompass the other. *Id.* at 328. “When a complaint raises an arguable question of law which the district court ultimately finds is correctly resolved against [a] plaintiff, dismissal on Rule 12(b)(6) grounds is appropriate, but dismissal on the basis of frivolousness is not.” *Id.*

Complaints filed by pro se parties are construed liberally, and their allegations are held to a less stringent standard than formal pleadings drafted by lawyers. *Hughes v. Lott*, 350 F.3d 1157, 1160 (11th Cir. 2003). Even construed liberally, though, Plaintiff’s complaint is not sufficient. While Plaintiff has provided some context and a general factual description of his claims, he has not alleged when the events underlying his claims occurred, which Defendant is responsible for each action, or the exact nature of his damages. Therefore, the Court **ORDERS** Plaintiff to recast his complaint. His recast compliant is due by **May 12, 2026**. To aid Plaintiff in his drafting, answers to the following questions may provide some guidance.

- (1) Expand on your factual allegations from the complaint. What *specifically* occurred (or didn’t occur) for you to think there has been a violation of your rights?
- (2) Who *specifically* committed each action underlying your claims?
- (3) What *specific* remedy are you seeking—i.e. damages, an injunction to stop a certain action, or something else?

3. **Conclusion**

Based on the foregoing, the Court **GRANTS** Plaintiff’s motion for leave to

proceed IFP [Doc. 2] and **ORDERS** Plaintiff to recast his complaint by *May 12, 2026*.

Once Plaintiff files his recast complaint, the Court will review his pleading to determine whether it is frivolous pursuant to 28 U.S.C. §1915(e).

SO ORDERED, this 28th day of April, 2026.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE

UNITED STATES DISTRICT COURT