

United States Court of Appeals
For the Eighth Circuit

No. 25-3104

Ryan Terrell Patterson

Plaintiff - Appellant

v.

Centurion; Philip Tippen, MD Regional Director; T. Taylor, RN BSN; Amy Courtney, D.O.N.; James Donald, Dr.; Unknown Espinza, HSA; Unknown Humble; Unknown Cassidy, Nurse; Unknown April, Nurse; Debra Bacon, NP; Dr. Chada Ashokkumar; Unknown Sheldon

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: March 19, 2026

Filed: March 31, 2026

[Unpublished]

Before GRUENDER, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Missouri inmate Ryan Patterson appeals from the district court's Federal Rule of Civil Procedure 41(b) dismissal of his action without prejudice. The dismissal was based on his failure to comply with an order to pay an initial partial filing fee.

Having jurisdiction under 28 U.S.C. § 1291, this court grants Patterson’s motion to proceed in forma pauperis (IFP), vacates the dismissal order, and remands for further proceedings.

Upon careful review, this court concludes that the dismissal of Patterson’s action was an abuse of discretion because—based on his certified inmate account statements—it appears that his failure to make an initial partial payment on time was due to a lack of available funds. *See* 28 U.S.C. § 1915(b)(1) (stating that court shall collect initial partial filing fee “when funds exist”), (b)(4) (providing that prisoner shall not be prohibited from bringing civil action because he lacks assets and means to pay initial partial filing fee); *Boyle v. Am. Auto Serv., Inc.*, 571 F.3d 734, 742 (8th Cir. 2009) (standard of review); *Taylor v. Delatoore*, 281 F.3d 844, 850 (9th Cir. 2002) (for prisoners whose prior account balances resulted in assessment of initial fee, but who do not have funds available when payment is ordered, § 1915(b)(4) should protect them from having their cases dismissed for non-payment); *cf. Henderson v. Norris*, 129 F.3d 481, 483–84 (8th Cir. 1997) (per curiam) (§ 1915(b)(4) permits prisoner to appeal if he has no assets and no means to pay initial partial appellate filing fee; in such cases, appellate filing fees are to be collected and paid by installment method contained in § 1915(b)(2)).

The dismissal order is vacated, and the case is remanded for further proceedings consistent with this opinion. Patterson’s motion to proceed IFP is granted. *See Henderson*, 129 F.3d at 484–85.