

2026 IL App (1st) 250272-U
No. 1-25-0272
Order filed September 21, 2026

First Division

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

KI'MOSH JAI'MU MUA BEY,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 25 CH 00561
	)	
VILLAGE OF MIDLOTHIAN, MUNICIPAL	)	
COLLECTIONS OF AMERICA, INC., B & R TOWING	)	
LLC, and OFFICER DEVIN HUFF,	)	
	)	
Defendants	)	
	)	Honorable
(Village of Midlothian and Officer Devin Huff,	)	Joel Chupack,
Defendants-Appellees).	)	Judge, presiding.

PRESIDING JUSTICE ELLIS delivered the judgment of the court.
Justices Howse and Cobbs concurred in the judgment.

ORDER

- ¶ 1 *Held:* Appeal dismissed. Court has no jurisdiction to hear interlocutory appeal of denial of fee waiver.
- ¶ 2 Plaintiff Ki'Mosh Jai'Mu Mua Bey ("Bey") appeals *pro se* the trial court's denial of his application for waiver of court fees in an action that he commenced against defendants, the

Village of Midlothian, police officer Devin Huff, and others, seeking the return of an impounded vehicle and a permanent injunction prohibiting “further unlawful enforcement action or seizures of property.” On appeal, Bey claims the court relied on improper evidence in determining that he was not indigent. We dismiss this appeal for lack of jurisdiction.

¶ 3 The record on appeal consists of the common law record, without a report of proceedings or acceptable substitute under Illinois Supreme Court Rule 323 (c), (d) (eff. July 1, 2017).

¶ 4 On January 17, 2025, Bey filed a *pro se* petition for “a bill in equity” seeking, among other things, the return of a vehicle that he alleged had been “unlawfully” seized by the Village or those acting on the Village’s behalf. Bey also applied for a waiver of court fees, claiming he had no monthly income, yearly income, monthly expenses, or items of value.

¶ 5 Bey attached to the application his request to waive court fees, stating that he was indigent, that he had “insufficient financial means and resources,” and that he had “no income or assets.” He further stated that paying filing fees would “constitute a substantial burden” on his religious beliefs and practices.

¶ 6 The court scheduled a hearing on the application and requested that Bey provide proof of ownership or rental of his residence and proof of ownership of the vehicle in dispute.

¶ 7 On February 11, 2025, following a videoconference hearing that Bey attended, the court denied his application for waiver of court fees. The court found that Bey had “significant assets that were not disclosed on the application.” Bey appealed two days later.

¶ 8 On appeal, Bey asks this court to reverse the denial of his application for waiver of court fees. But we have an independent duty to consider our own jurisdiction. *Village of Kirkland v. Kirkland Properties Holdings Co., LLC I*, 2023 IL 128612, ¶ 37. So we start (and end) there.

¶ 9 Subject to exceptions not relevant here, an appeal may be taken only from a final judgment. Ill. S. Ct. R. 303(a) (eff. July 1, 2017). An appeal from a final judgment of the circuit court is initiated by filing a notice of appeal. Ill. S. Ct. R. 301 (eff. Feb. 1, 1994).

¶ 10 An order or judgment is considered final if it terminates the litigation between the parties on the merits or disposes of the rights of the parties, either on the entire controversy or a discrete part thereof. *Blumenthal v. Brewer*, 2016 IL 118781, ¶ 23; see Ill. S. Ct. R. 304(a) (eff. Mar. 8, 2016). The appellate court lacks authority to excuse noncompliance with the rules governing the filing requirements for an appeal. *Secura Insurance Co. v. Illinois Farmers Insurance Co.*, 232 Ill. 2d 209, 217-18 (2009).

¶ 11 The denial of Bey’s fee waiver neither disposed of the rights of the parties as a whole nor disposed of a definite and separate part of the controversy. *Brewer*, 2016 IL 118781, ¶ 23. As the denial only disposed of the issue of whether Bey would be responsible for fees incurred during ongoing litigation, it was not final. We thus lack jurisdiction to review the court’s ruling.

¶ 12 That is not to say that the denial of a fee waiver is *never* appealable early on. Section 5-105 of the Code of Civil Procedure provides a rather simple workaround. See 735 ILCS 5/5-105 (West 2024). Initially, the circuit court clerk must file a complaint as long as the plaintiff has attached a request for fee waiver, regardless of whether that fee waiver is ultimately granted: “The clerk of the court shall not refuse to accept and file any complaint, appearance, or other paper presented by the applicant if accompanied by an application for waiver.” *Id.* § 5-105(e). So as long as a plaintiff timely requests her fee waiver, her complaint will be filed—her foot is in the door, so to speak.

¶ 13 If the court denies the application, or grants only a partial waiver, “the order shall state a date certain by which the necessary fees, costs, and charges must be paid.” *Id.* If the plaintiff doesn’t pay the required fees by that time, “[t]he court may dismiss the claims.” *Id.* Once the court dismisses the complaint for failure to pay fees, this court has jurisdiction to review the denial of the fee waiver along with its review of the dismissal of the complaint. See *Battle v. Chicago Police Department*, 2022 IL App (1st) 200083, ¶ 6 (appeal after administrative dismissal of complaint for failure to pay fees); *Sims v. Atkins*, 2021 IL App (3d) 190456, ¶ 7 (appeal after order “dismissing plaintiff’s case for failing to appear and failing to pay court fees.”).

¶ 14 Though not a perfect solution, a plaintiff whose fee waiver is denied, and who cannot pay that fee, will have the opportunity to appeal that denial in short order.

¶ 15 Bey did not follow this path. When his fee waiver was denied, he paid the fee and prosecuted the lawsuit—but he immediately appealed the denial of his fee waiver instead of waiting for the final judgment. For the reasons we have explained above, his appeal was thus premature. We lack jurisdiction to hear it and have no choice but to dismiss this appeal.

¶ 16 Appeal dismissed.