

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Dudash v. State of California Parole, et al.

Dudash · No. 3:25-cv-01479-JES-VET · Decided June 30, 2025

SUMMARY

The United States District Court for the Southern District of California denied Robert Dudash’s application to proceed in forma pauperis without prejudice because the application did not provide sufficient information about his income, assets, or expenses. The court gave him fourteen days to either pay the filing fee or submit a complete renewed application, warning that failure to comply would result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	James E. Simmons, Jr.
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 30, 2025
DOCKET	3:25-cv-01479-JES-VET
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil rights complaint and moved to proceed in forma pauperis. The district court denied the motion without prejudice.
STANDARD OF REVIEW	The court evaluated whether the application adequately demonstrated eligibility for leave to proceed in forma pauperis under 28 U.S.C. § 1915(a).
PRECEDENTIAL VALUE	unpublished
PARTIES	Robert Dudash v. State of California Parole, et al.

TOPICS

civil procedure

PRACTICE AREAS

civil rights federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's in forma pauperis application sufficiently alleged poverty and provided enough financial information for the court to determine his ability to pay the filing fee.

HOLDINGS

1. An applicant seeking in forma pauperis status must accurately and fully complete the application by identifying income, expenses, and assets so the court can evaluate the applicant's ability to pay. Because Plaintiff's application omitted that information, the court denied the motion without prejudice.

KEY QUOTATIONS

- “Nonetheless, a plaintiff seeking IFP status must allege poverty “with some particularity, definiteness, and certainty.””* (at 1)

“Plaintiff must accurately and fully complete the application.” (at 2)

FACTUAL BACKGROUND

Robert Dudash filed a civil complaint and sought leave to proceed in forma pauperis. His application reported no income, assets, or expenses, used "N/A" throughout, and stated only that the filing cost "too much." Because the application did not provide complete financial information, the court could not assess whether he was unable to pay the filing fee.

PROCEDURAL HISTORY

Plaintiff filed his complaint on June 9, 2025, and submitted an application to proceed without prepaying fees or costs. The court found that the application was inadequate because Plaintiff listed "N/A" for income, assets, and expenses and did not provide sufficient information to evaluate his ability to pay. The court denied the motion without prejudice and allowed fourteen days to pay the filing fee or submit a complete renewed application.

DISPOSITION

other

CASES CITED

- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- United States v. McQuade, 647 F.3d 938, 940 (9th Cir. 1981)
- Temple v. Ellerthorp, 586 F. Supp. 848, 850 (D.R.I. 1984)

OPINION

Dudash v. State of CA Parole/Agent(s)/Agency

PER CURIAM.

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 ROBERT DUDASH, Case No.: 3:25-cv-01479-JES-VET 12 Plaintiff,

ORDER DENYING MOTION TO

13 v. PROCEED IN FORMA PAUPERIS

WITHOUT PREJUDICE

14 STATE OF CALIFORNIA PAROLE, et

al., 15 [ECF No. 2] Defendants. 16 17 Presently before the Court is Plaintiff Robert Dudash's
("Plaintiff") Application to 18 Proceed in District Court Without Prepaying Fees or Costs
("Motion"). ECF No. 2. 19 Plaintiff filed a complaint on June 9, 2025. ECF No. 1. 20 Parties
instituting a civil action must pay a filing fee of \$4051 unless they are granted 21 leave to proceed
in forma pauperis ("IFP") pursuant to 28 U.S.C. § 1915(a). A party need 22 not "be absolutely
destitute" to proceed IFP. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 23 U.S. 331, 339 (1948).
"Nonetheless, a plaintiff seeking IFP status must allege poverty 'with 24 25 26 1 In addition to the
\$350 statutory fee, civil litigants must pay an additional administrative fee of \$55. See 27 28
U.S.C. § 1914(a) (Judicial Conference Schedule of Fees, District Court Misc. Fee Schedule,
section 14 (eff. Dec. 2020). The additional \$50 administrative fee does not apply to persons
granted leave to proceed 28 1 ||some particularity, definiteness, and certainty.'" *Escobedo v.*
Applebees, 787 F.3d 1226, 2 || 1234 (9th Cir. 2015) (quoting *United States v. McQuade*, 647 F.3d
938, 940 (9th Cir. 1981)). 3 || To that end, "[a]n affidavit in support of an IFP application is
sufficient where it alleges 4 || that the affiant cannot pay the court costs and still afford the
necessities of life." *Jd.* "But, 5 ||the same even-handed care must be employed to assure that
federal funds are not 6 || squandered to underwrite, at public expense, either frivolous claims or the
remonstrances 7 a suitor who is financially able, in whole or in part, to pull his own oar." *Temple*
v. 8 || *Ellerthorp*, 586 F. Supp. 848, 850 (D.R.I. 1984). 9 Plaintiff's IFP application fails. In the
application, he reports no income, no assets 10 |}and no expenses. Plaintiff put "N/A" throughout
the entirety of the application. See 11 || generally ECF No. 2. In response to why he cannot pay the
costs of these proceedings, he 12 || wrote "cost too much." /d. at 5. In order for the court to
properly evaluate his ability to pay, 13 || Plaintiff must accurately and fully complete the
application. He must list all sources of 14 || income, all of his expenses and any assets that he
owns, including any vehicles or property. 15 || The Court is unable to assess whether to grant IFP
status without this information. 16 In sum, the Court is unable to determine from the Motion
whether Plaintiff qualifies 17 IFP status. Accordingly, the Court DENIES Plaintiff's Motion
without prejudice. 18 || Plaintiff is given fourteen (14) days from the date of this Order to either (1)
pay the entire 19 filing fee; or (2) filed a renewed motion to proceed IFP that addresses the
concerns 20 || identified in this Order. Should Plaintiff elect the latter option, he must submit a
complete 21 accurate IFP application. If Plaintiff fails to timely comply with the requirements of
22 || this Order, the Court will dismiss this action without prejudice. 23 IT IS SO ORDERED. 24 ||

Dated: June 30, 2025 25 Soar Str, 26 Honorable James E. Sunmons Jr. 07 United States District
Judge 28

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