

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PRECEDENTIAL VALUE	unpublished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)