

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

OPINION

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

PER CURIAM.

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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