

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Sherylabigail Elissa Castro Santillan v. Frank J. Bisignano,
Commissioner of Social Security

Castro Santillan v. Bisignano · No. 2:25-cv-02356-MDC · Decided December 4, 2025

SUMMARY

The United States District Court for the District of Nevada denied without prejudice the plaintiff’s application to proceed in forma pauperis in a Social Security appeal. The court found deficiencies and inconsistencies in the financial information provided and ordered the plaintiff either to submit a corrected Long Form application or pay the filing fee by the stated deadline. The order warns that failure to comply may result in a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Maximiliano D. Couvillier, III
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 4, 2025
DOCKET	2:25-cv-02356-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a Social Security appeal, complaint, and application to proceed in forma pauperis. The district court considered the application and denied it without prejudice.
STANDARD OF REVIEW	The district court exercises discretion in evaluating the sufficiency and reliability of an applicant's financial showing for in forma pauperis status.
PRECEDENTIAL VALUE	Unknown; district court order denying an IFP application without prejudice.
PARTIES	Sherylabigail Elissa Castro Santillan v. Frank J. Bisignano, Commissioner of Social Security

TOPICS

- civil procedure
- administrative law

PRACTICE AREAS

civil procedure

Social Security

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated under 28 U.S.C. § 1915(a)(1) that she was unable to pay the filing fee while providing herself with the necessities of life.
2. Whether the court should deny plaintiff's IFP application without prejudice because the application contained material inconsistencies and omitted information necessary to evaluate her financial status.

HOLDINGS

1. Plaintiff's IFP application was insufficient because inconsistencies and omissions prevented the court from determining her financial status.
2. The IFP application was denied without prejudice, and plaintiff was permitted to submit a new, complete Long Form IFP application or pay the full filing fee.

KEY QUOTATIONS

“Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of fees or security thereof” if the plaintiff submits a financial affidavit that demonstrates the plaintiff “is unable to pay such fees or give security therefor.”” (at 1)

“An applicant need not be destitute to qualify for a waiver of costs and fees, but he must demonstrate that because of his poverty he cannot pay those costs and still provide himself with the necessities of life.” (at 1)

FACTUAL BACKGROUND

Plaintiff stated that she was not working and had no assets. Elsewhere in the application, she reported receiving \$1,550 in Section 8 rental benefits but did not identify that benefit as public-assistance income. She also failed to disclose the amount of rent she actually paid, utilities expenses, or how she and her boyfriend contributed to household living expenses.

PROCEDURAL HISTORY

Plaintiff submitted a Long Form IFP application and a fee-waiver questionnaire. The court found inconsistencies and omissions concerning her public-assistance income, rent, utilities, and household expenses, concluded that it could not determine her financial eligibility, and denied the application without prejudice. The court gave plaintiff until January 8, 2026, to submit a corrected Long Form application or pay the \$405 filing fee.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1235 (9th Cir. 2015)

- *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948)
- *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)
- *Marin v. Hahn*, 271 Fed. Appx. 578 (9th Cir. 2008)
- *Kennedy v. Huibregtse*, 831 F.3d 441, 443-44 (7th Cir. 2016)
- *Greco v. NYE Cty. Dist. Judge Robert Lane*, No. 2:15-cv-001370-MMD-PAL, 2016 WL 7493981, at *3 (D. Nev. Nov. 9, 2016)
- *Greco v. Lake*, No. 2:15-cv-001370-MMD-PAL, 2016 WL 7493963 (D. Nev. Dec. 30, 2016)
- *Thomas v. Arn*, 474 U.S. 140, 142 (1985)
- *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991)
- *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 4 Sherylabigail Elissa
Castro Santillan, Case No. 2:25-cv-02356-MDC 5 Plaintiff, ORDER DENYING PLAINTIFF’S 6
vs. APPLICATION TO PROCEED IN FORMA 7 PAUPERIS WITHOUT PREJUDICE (ECF NO.
1) Frank J. Bisignano, Commissioner of Social 8 Security, 9 Defendant. 10 11 Plaintiff
Sherylabigail Elissa Castro Santillan filed a Motion/Application to Proceed In Forma 12 Pauperis
(“IFP”) and Complaint.

ECF Nos. 1, 1-1. This is a social security appeal and plaintiff is 13 represented by counsel. The
Court DENIES plaintiff’s IFP application without prejudice for the reasons 14 below. Plaintiff
must either file a new Long Form IFP application OR pay the full filing \$405 fee by 15 January 8,
2025. 16 I. GENERAL LEGAL PRINCIPLES 17 Under 28 U.S.C. § 1915(a)(1), a plaintiff may
bring a civil action “without prepayment of fees or 18 security thereof” if the plaintiff submits a
financial affidavit that demonstrates the plaintiff “is unable to 19 pay such fees or give security
therefor.” The Ninth Circuit has recognized that “there is no formula set 20 forth by statute,
regulation, or case law to determine when someone is poor enough to earn IFP status.” 21
Escobedo v. Applebees, 787 F.3d 1226, 1235 (9th Cir.

2015). An applicant need not be destitute to 22 qualify for a waiver of costs and fees, but he must
demonstrate that because of his poverty he cannot pay 23 those costs and still provide himself with
the necessities of life. *Adkins v. E.I DuPont de Nemours & 24 Co.*, 335 U.S. 331, 339 (1948). 25 1
1 The applicant's affidavit must state the facts regarding the individual's poverty “with some 2
particularity, definiteness and certainty.” *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir.

1981) 3 (citation omitted). If an individual is unable or unwilling to verify his or her poverty,
district courts have 4 the discretion to make a factual inquiry into a plaintiff's financial status and
to deny a request to proceed 5 in forma pauperis. See, e.g., *Marin v. Hahn*, 271 Fed.Appx. 578 (9th
Cir. 2008) (finding that the district 6 court did not abuse its discretion by denying the plaintiff's
request to proceed IFP because he “failed to 7 verify his poverty adequately”).

Misrepresentation of assets is sufficient grounds in themselves for 8 denying an in forma pauperis application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441, 443-44 (7th Cir. 9 2016) (affirming dismissal with prejudice after litigant misrepresented assets on in forma pauperis 10 application). 11 The District of Nevada has adopted three types of IFP applications: a “Prisoner Form” for 12 incarcerated persons and a “Short Form” (AO 240) and “Long Form” (AO 239) for non-incarcerated 13 persons.

The Long Form requires more detailed information than the Short Form. The court typically 14 does not order an applicant to submit the Long Form unless the Short Form is inadequate, more 15 information is needed, or it appears that the plaintiff is concealing information about his income for 16 determining whether the applicant qualifies for IFP status. When an applicant is specifically ordered to 17 submit the Long Form, the correct form must be submitted, and the applicant must provide all the 18 information requested in the Long Form so that the court is able to make a fact finding regarding the 19 applicant's financial status.

See e.g., *Greco v. NYE Cty. Dist. Judge Robert Lane*, No. 2:15-cv-001370- 20 MMD-PAL, 2016 WL 7493981, at *3 (D. Nev. Nov. 9, 2016), report and recommendation adopted sub 21 nom. *Greco v. Lake*, No. 2:15-cv-001370-MMD-PAL, 2016 WL 7493963 (D. Nev. Dec. 30, 2016). 22 II. ANALYSIS 23 Plaintiff filed a long form IFP application. ECF No. 1. Plaintiff also filed a fee waiver 24 questionnaire in support of her IFP application.

Id. at 6-7. However, plaintiff’s application contains 25 2 1 deficiencies and inconsistencies. Plaintiff claims to not be working and to have no assets. *Id.* at 1, 3, 6. 2 On one portion of her application, plaintiff states she received \$1,550 in section 8 benefits for rent. *Id.* at 3 5.

However, plaintiff does not identify that benefit as a public assistance income source in the first box 4 of the application. See *id.* at 2. Plaintiff also fails to disclose how much she actually pays for rent. 5 Plaintiff also fails to disclose other expenses necessarily related housing such as utilities, or explain why 6 she does not have utilities expenses related to her residence.

The Court needs more information 7 clarifying how much plaintiff’s monthly living expenses exactly are, and how much she or her boyfriend 8 help pay for these expenses if any. Therefore, the Court finds it cannot make a determination of 9 plaintiff’s IFP status at this time.

However, the Court will give plaintiff another opportunity to file his 10 IFP application. If plaintiff wishes to proceed in forma pauperis, plaintiff must complete a new Long 11 Form IFP application that is complete and responds to the Court’s request for additional information and 12 details made by this Order. 13 // 14 // 15 // 16 // 17 // 18 // 19 // 20 // 21 // 22 // 23 // 24 // 25 3 1 ACCORDINGLY, 2 IT IS ORDERED that: 3 1.

Plaintiff's Application to Proceed in Forma Pauperis (ECF No. 1) is DENIED without 4 prejudice. 5 2. Plaintiff must either: (1) file a Long Form IFP application, curing the deficiencies noted in 6

this Order, or (2) pay the full \$405 filing fee by January 8, 2026. 7 3. Failure to timely comply with this Order may result in a recommendation that this case be 8 dismissed.

9 IT IS SO ORDERED. 10 DATED: December 4, 2025. 12 Hon/Maximii rand D.£ouvillier, II B Usited segpee Judge 14 NOTICE 5 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and 6 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2.

The Supreme Court has held that the courts of appeal ig || TMY determine that an appeal has been waived due to the failure to file objections within the specified 19 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). 50 This circuit has also held that (1) failure to file objections within the specified time and (2) 4 failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.

Martinez v. YIst, 951 F.2d 33 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any 35 change of address.

The notification must include proof of service upon each opposing party's attorney, 1 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may 2 result in dismissal of the action. 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 5