

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.

OPINION

Bisignano

PER CURIAM.

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/Maximilind D.
Fouville, 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 ¹ 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. Ylst*, 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