

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

L.C. Cunningham v. Lopez

No. 1:25-cv-01453-KES-SAB (PC), Doc. 9 · No. No. 1:25-cv-01453-KES-SAB (PC) · Decided January 15,
2026

SUMMARY

The United States District Court for the Eastern District of California dismissed L.C. Cunningham’s 42 U.S.C. § 1983 action without prejudice after he failed to pay the required filing fee. The court directed the Clerk to close the case, relying on the prior order denying in forma pauperis status and requiring payment.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 15, 2026
DOCKET	No. 1:25-cv-01453-KES-SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff proceeding pro se under 42 U.S.C. § 1983 was ordered to pay the filing fee after his application to proceed in forma pauperis was denied. The district court dismissed the action without prejudice when plaintiff failed to pay the fee by the deadline.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.

TOPICS

civil procedure section 1983

PRACTICE AREAS

civil procedure civil rights access to courts

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice after plaintiff failed to pay the filing fee following denial of his application to proceed in forma pauperis.

HOLDINGS

1. When a plaintiff's application to proceed in forma pauperis has been denied, the plaintiff fails to pay the required filing fee by the court-ordered deadline, and the plaintiff was warned that nonpayment would result in dismissal, the action may be dismissed without prejudice.
2. The court's service of the order was effective under Local Rule 182(f), notwithstanding its return as undeliverable, unclaimed, and return-to-sender.

KEY QUOTATIONS

“Without such payment, the action cannot proceed before the Court.” (at 1)

FACTUAL BACKGROUND

Plaintiff filed this § 1983 action pro se and sought leave to proceed in forma pauperis. After the court denied that application, it ordered plaintiff to pay the \$405 filing fee within thirty days and expressly warned that nonpayment would result in dismissal. Plaintiff failed to pay by the deadline, although the order adopting the recommendation was returned as undeliverable; the court determined service was effective under Local Rule 182(f).

PROCEDURAL HISTORY

On November 5, 2025, the assigned magistrate judge recommended denying plaintiff's application to proceed in forma pauperis. On December 5, 2025, the district court adopted those findings and recommendations, ordered plaintiff to pay the \$405 filing fee within thirty days, and warned that failure to pay would result in dismissal without further notice. Plaintiff did not pay, and the court dismissed the action without prejudice and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Saddozai v. Davis*, 35 F.4th 705, 709 (9th Cir. 2022)

INSTRUCTIONS FOR AN AI ASSISTANT

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