

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sharrod Moten v. Eastern District Courthouse of California, et al.

Moten · No. 1:24-cv-01387-KES-SAB · Decided September 12, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Sharrod Moten’s 42 U.S.C. § 1983 action without prejudice for failure to pay the filing fee. The court had denied in forma pauperis status under the three-strikes provision of 28 U.S.C. § 1915(g) and ordered plaintiff to pay the filing fee, which he failed to do by the deadline.

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	September 12, 2025
DOCKET	1:24-cv-01387-KES-SAB
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner brought a pro se civil-rights action under 42 U.S.C. § 1983 and sought to proceed in forma pauperis. After the court denied in forma pauperis status under the three-strikes bar and ordered plaintiff to pay the filing fee, plaintiff failed to pay by the deadline.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Sharrod Moten v. Eastern District Courthouse of California, et al.

TOPICS

- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice when the plaintiff failed to pay the filing fee after denial of in forma pauperis status and a warning that nonpayment would result in dismissal.

HOLDINGS

- 1. A prisoner civil-rights action may be dismissed without prejudice when the court denies in forma pauperis status, orders the plaintiff to pay the filing fee by a specified deadline, warns that failure to pay will result in dismissal, and the plaintiff does not pay.

KEY QUOTATIONS

- “Without such payment, the action cannot proceed before the Court.” (at 2)
- “This action is dismissed without prejudice for plaintiffs failure to pay the filing fee.” (at 2)

FACTUAL BACKGROUND

Plaintiff Sharrod Moten, a state prisoner proceeding pro se, filed a civil-rights action under 42 U.S.C. § 1983 and sought leave to proceed in forma pauperis. The court determined that the three-strikes bar of 28 U.S.C. § 1915(g) applied and that plaintiff had not demonstrated imminent danger of physical injury. After ordering plaintiff to pay the \$405 filing fee and warning that failure to do so would result in dismissal, plaintiff failed to pay by the deadline.

PROCEDURAL HISTORY

On February 10, 2025, the magistrate judge issued findings and recommendations concluding that plaintiff was barred from proceeding in forma pauperis under 28 U.S.C. § 1915(g) and had not shown imminent danger of physical injury. On March 19, 2025, the district court adopted the findings and recommendations, denied in forma pauperis status, and ordered plaintiff to pay the \$405 filing fee within 21 days, warning that nonpayment would result in dismissal. Plaintiff did not pay, and the district 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)

OPINION

Moten

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 SHARROD MOTEN, Case No.: 1:24-cv-01387-KES-SAB 12 Plaintiff, ORDER
DISMISSING ACTION
WITHOUT PREJUDICE FOR FAILURE TO

13 v. PAY THE FILING FEE

14 EASTERN DISTRICT COURTHOUSE Doc. 10

OF CALIFORNIA, et al., 15 Defendants. 16 17 Plaintiff Sharrod Moten is state prisoner proceeding pro se in this civil rights action 18 pursuant to 42 U.S.C. § 1983. On February 10, 2025, the assigned magistrate judge issued 19 findings and recommendations recommending that plaintiff's application to proceed in forma 20 pauperis be denied and requiring plaintiff to pay the filing fee in full. Doc. 9. The findings and 21 recommendations concluded that plaintiff was subject to the three-strikes bar of 28 U.S.C. 22 § 1915(g) and that plaintiff failed to show he was in imminent danger of physical injury sufficient 23 to warrant an exception under § 1915. Id. 24 On March 19, 2025, the Court adopted the findings and recommendations, denied 25 plaintiff's motion to proceed in forma pauperis, and ordered plaintiff to pay the \$405 filing fee in 26 full within 21 days. Doc. 12. Plaintiff was warned if he failed to pay the filing fee within the 27 specified time, the action would be dismissed without further notice. Id. at 2. Despite the Court's warning, plaintiff has failed to pay the required filing fee and the deadline for him to do so has 1 | expired. Without such payment, the action cannot proceed before the Court. See Saddozai v. 2 | Davis, 35 F.4th 705, 709 (9th Cir. 2022). 3 Accordingly, the Court ORDERS: 4 1. This action is dismissed without prejudice for plaintiffs failure to pay the filing fee. 5 2. The Clerk of the Court is directed to terminate any pending motions and close this case. 6

7 IT IS SO ORDERED. _

Dated: _ September 11, 2025 4h

9 UNITED STATES DISTRICT JUDGE

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