

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Pyle v. Glenn County Sheriff's Department

Pyle · No. 2:24-cv-02940-TLN-CSK · Decided April 25, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Erik Burdett Pyle’s application to proceed in forma pauperis without prejudice. The court found the application inconsistent and insufficient because it reported no ownership of real property, while the complaint indicated that Plaintiff owned a farm and/or ranch, and allowed 30 days to file a renewed application.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 25, 2025
DOCKET	2:24-cv-02940-TLN-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to proceed in forma pauperis in a civil-rights action. The district court denied the application without prejudice.
STANDARD OF REVIEW	The court evaluated whether plaintiff's affidavit satisfied the requirements of 28 U.S.C. § 1915(a)(1) and adequately demonstrated inability to pay the filing fee.
PRECEDENTIAL VALUE	unpublished
PARTIES	Erik Burdett Pyle v. Glenn County Sheriff's Department, et al.

TOPICS

civil procedure

PRACTICE AREAS

civil procedure civil rights

QUESTIONS PRESENTED

1. Whether plaintiff's inconsistent IFP affidavit sufficiently established that he was unable to pay the filing fee under 28 U.S.C. § 1915(a)(1).

HOLDINGS

1. An IFP application may be denied when the applicant's affidavit is inconsistent with statements in the complaint concerning assets and therefore does not adequately establish inability to pay the filing fee.

KEY QUOTATIONS

“The affidavit must provide “sufficient details concerning [the applicant’s] income, assets, and expenditures[.]”” (at 1)

“Plaintiff’s IFP application will be denied without prejudice because Plaintiff’s IFP affidavit is inconsistent and insufficient.” (at 2)

FACTUAL BACKGROUND

Plaintiff's IFP application stated that he received no wages or other income during the preceding twelve months and had no money in checking or savings accounts. He also reported no real property, regular expenses, dependents, debts, or other assets. In contrast, the complaint stated that he owned a farm and/or ranch, creating an inconsistency concerning his assets.

PROCEDURAL HISTORY

Plaintiff filed this action and an application to proceed in forma pauperis under 28 U.S.C. § 1915. The court found that the financial information in the affidavit was inconsistent with allegations in the complaint concerning plaintiff's ownership of a farm and/or ranch. The court denied the application without prejudice and allowed plaintiff thirty days to file a renewed application.

DISPOSITION

other

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999)
- Williams v. County of Ventura, 443 F. App'x 232, 233 (9th Cir. 2011)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Strojnik v. Panera Bread Company, 2022 WL 2287274, at *3 (E.D. Cal. June 24, 2022)
- Strojnik v. Panera Bread Company, 2022 WL 2609456 (E.D. Cal. July 8, 2022)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ERIK BURDETT PYLE, Case No. 2:24-cv-02940-TLN-CSK 12 Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION TO PROCEED IN FORMA PAUPERIS 13 v.
WITHOUT PREJUDICE 14 GLEN COUNTY SHERIFF'S DEPT., et al., 15 (ECF No. 2)
Defendants. 16 17 Plaintiff Erik Burdett Pyle is proceeding in this action pro se.1 Plaintiff has 18
requested leave to proceed in forma pauperis ("IFP") pursuant to 28 U.S.C. § 1915.

19 (ECF No. 2.) Plaintiff's IFP application will be denied without prejudice because Plaintiff's 20
IFP affidavit is inconsistent and insufficient. 21 I. LEGAL STANDARDS 22 All parties instituting
any civil action, suit or proceeding in any district court of the 23 United States, except an
application for writ of habeas corpus, must pay a filing fee. See 24 28 U.S.C. § 1914(a).

An action may proceed despite a party's failure to pay the filing fee 25 only if the party is granted
leave to proceed in forma pauperis pursuant to 28 U.S.C. 26 § 1915(a). See *Andrews v. Cervantes*,
493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v.* 27 1 This matter proceeds before the
undersigned pursuant to 28 U.S.C. § 636, Fed. R. 28 Civ. P. 72, and Local Rule 302(c).

1 Cook, 169 F.3d 1176, 1177 (9th Cir. 1999). To qualify to proceed in forma pauperis, the 2
litigant must submit an affidavit that includes a statement of all assets they possess. 3 28 U.S.C. §
1915(a)(1). The affidavit must also state that the person is unable to pay the 4 fees or give security.
Id. The affidavit must provide "sufficient details concerning [the 5 applicant's] income, assets, and
expenditures[.]" *Williams v. Cnty. of Ventura*, 443 F. 6 App'x 232, 233 (9th Cir.

2011) (citing *United States v. McQuade*, 647 F.2d 938, 940 (9th 7 Cir. 1981) (an affidavit claiming
poverty in support of a motion made under 8 28 U.S.C. § 1915 must state the relevant facts "with
some particularity, definiteness, and 9 certainty"). 10 II. DISCUSSION 11 Plaintiff's IFP
application indicates he receives \$0 in pay or wages and has had 12 no other income during the
past 12 months.

ECF No. 2 at 1 ¶ 3. Plaintiff further avers he 13 has \$0 in his checking or savings account. Id. at 2
¶ 4. Plaintiff answers "none" when 14 answering whether: Plaintiff owns "any automobile, real
estate, stock, bond, security, 15 trust, jewelry, art work, or other financial instrument or thing of
value;" Plaintiff has "[a]ny 16 housing, transportation, utilities, or loan payments or other regular
monthly expenses;" 17 Plaintiff provides support to "persons who are dependent on [him] for
support" and how 18 much Plaintiff contributes to their support; and Plaintiff has "[a]ny debts or
financial 19 obligations." Id. at 2 ¶¶ 5-8.

However, in Plaintiff's Complaint, Plaintiff indicates he owns 20 a "farm" and/or "ranch." Compl.
at 11-12 (ECF No. 1). In light of Plaintiff's statement 21 regarding his real property ownership in
the Complaint, the Court finds that Plaintiff's 22 affidavit is inconsistent and insufficient to
support a finding that he can proceed in forma 23 pauperis at this time.

See *Strojnink v. Panera Bread Company*, 2022 WL 2287274, at *3 24 (E.D. Cal. June 24, 2022)
(inconsistencies between plaintiff's IFP application and the 25 complaint), report and

recommendation adopted, 2022 WL 2609456 (E.D. Cal. July 8, 26 2022).

Because Plaintiff may have erred in filling out his affidavit, the Court will provide 27 Plaintiff an opportunity to file an amended IFP application. Accordingly, the Court will 28 deny without prejudice Plaintiff's application to proceed IFP due to his failure to meet his 1 | burden based on his deficient affidavit. See Williams, 443 F. App'x at 233. 2 | Ill. CONCLUSION 3 For the reasons explained above, IT IS HEREBY ORDERED that: 4 1.

Plaintiff's request to proceed in forma pauperis (ECF No. 2) is DENIED 5 without prejudice; and 6 2. Plaintiff may file his renewed IFP application within thirty (30) days from the 7 date of this order. If Plaintiff fails to timely comply with this order, the 8 undersigned may recommend that this action be dismissed for failure to 9 prosecute. 10 4 Dated: April 25, 2025 C (i s 42 GHI 500 KIM UNITED STATES MAGISTRATE JUDGE 13 || 4, pylez940.24 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28