

**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.

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 no other income during the past 12 months.

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

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

See *Strojnik v. Panera Bread Company*, 2022 WL 2287274, at *3 24 (E.D. Cal. June 24, 2022) (inconsistencies between plaintiff’s IFP application and the 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 Plaintiff an opportunity to file an amended IFP application. Accordingly, the Court will deny without prejudice Plaintiff’s application to proceed IFP due to his failure to meet his 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