

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

OPINION

(PS)Pyle v. Glenn County Sheriff's Department

PER CURIAM.

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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 *Strojnuk 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

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UNITED STATES MAGISTRATE JUDGE

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