

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Paul Thorit Agneberg v. Yavapai County Board of Supervisors, et al.

Agneberg · No. CV-25-08204-PCT-JAT (JFM) · Decided December 18, 2025

SUMMARY

The United States District Court for the District of Arizona denies Paul Thorit Agneberg's application to proceed in forma pauperis without prejudice because he did not use the required form or submit a certified six-month trust account statement. The Court gives him 30 days to pay the filing and administrative fees or submit a complete in forma pauperis application and supporting account statement. The Court also denies without prejudice his motion for constitutional access to courts and warns that failure to comply may result in dismissal without further notice.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	James A. Teilborg
JURISDICTION	United States District Court for the District of Arizona
DECIDED	December 18, 2025
DOCKET	CV-25-08204-PCT-JAT (JFM)
DISPOSITION	other
PROCEDURAL POSTURE	A self-represented incarcerated plaintiff filed a 42 U.S.C. § 1983 civil-rights action, an application to proceed in forma pauperis, and a motion concerning constitutional access to the courts. The district court denied the deficient in forma pauperis application and motion without prejudice and provided 30 days to pay the required fees or submit a compliant application.
PRECEDENTIAL VALUE	unknown

TOPICS

- civil procedure
- prisoners rights
- section 1983
- constitutional law

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- constitutional access to courts

QUESTIONS PRESENTED

1. Whether plaintiff's application to proceed in forma pauperis complied with 28 U.S.C. § 1915 and the District of Arizona's local requirements.
2. Whether plaintiff demonstrated a basis for relief on his motion for constitutional access to courts based on an alleged lack of writing supplies.

HOLDINGS

1. The application to proceed in forma pauperis was deficient because plaintiff did not use the court-approved prisoner form and did not submit a certified six-month trust-account statement; the application was therefore properly denied without prejudice, subject to plaintiff's opportunity to cure within 30 days.
2. The motion for constitutional access to courts was denied without prejudice because plaintiff did not allege facts showing that a lack of writing supplies prevented him from filing documents in this action.

KEY QUOTATIONS

“Plaintiff has not alleged facts showing he is unable to file documents in this case due to a lack of writing of supplies.” (at 2)

FACTUAL BACKGROUND

Paul Thorit Agneberg was confined in the Yavapai County Detention Center and filed a pro se § 1983 action. He sought to proceed without prepaying fees but did not use the court-approved prisoner form and did not submit a certified six-month trust-account statement. He also moved for constitutional access to courts, alleging that he was denied paper for filing motions, but the court noted that he had filed both a two-page motion and a sixteen-page first amended complaint.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint, an application to proceed in forma pauperis, a motion for constitutional access to courts, and a first amended complaint. The court determined that the in forma pauperis application did not use the required form and lacked a certified six-month trust-account statement. The court denied the application and motion without prejudice, ordered plaintiff to pay the filing and administrative fees or submit a complete application within 30 days, and directed that the action be dismissed without prejudice if he failed to comply.

DISPOSITION

other

CASES CITED

- United States v. Robinson, 913 F.2d 712, 717 (9th Cir. 1990)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)

OPINION

Agneberg

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Paul Thorit Agneberg, No. CV-25-08204-PCT-JAT (JFM) 10 Plaintiff, 11 v. ORDER 12
Yavapai County Board of Supervisors, et 13 al., 14 Defendants. 15 16 Self-represented Plaintiff
Paul Thorit Agneberg, who is confined in the Yavapai 17 County Detention Center, filed a civil
rights Complaint pursuant to 42 U.S.C. § 1983, an 18 Application to Proceed In Forma Pauperis
(Doc. 2), a “Motion for Constitutional Access 19 to Courts” (Doc. 4), and a First Amended
Complaint. The Court will deny the Motion, 20 deny the deficient Application to Proceed, and
give Plaintiff 30 days to either pay the filing 21 and administrative fees or file a complete
Application to Proceed In Forma Pauperis. 22 I. Payment of Filing Fee 23 When bringing an
action, a prisoner must either pay the \$350.00 filing fee and a 24 \$55.00 administrative fee in a
lump sum or, if granted the privilege of proceeding in forma 25 pauperis, pay the \$350.00 filing
fee incrementally as set forth in 28 U.S.C. § 1915(b)(1). 26 An application to proceed in forma
pauperis requires an affidavit of indigence and a 27 certified copy of the inmate’s trust account
statement (or institutional equivalent) for the 28 six months preceding the filing of the Complaint.
28 U.S.C. § 1915(a)(2). An inmate must 1 submit statements from each institution where he was
confined during the six-month 2 period. Id. To assist prisoners in meeting these requirements, the
Court requires use of a 3 form application. LRCiv 3.4. 4 If a prisoner is granted leave to proceed in
forma pauperis, the Court will assess an 5 initial partial filing fee of 20% of either the average
monthly deposits or the average 6 monthly balance in Plaintiff’s account, whichever is greater. 28
U.S.C. § 1915(b)(1). An 7 initial partial filing fee will only be collected when funds exist. 28
U.S.C. § 1915(b)(4). 8 The balance of the \$350.00 filing fee will be collected in monthly payments
of 20% of the 9 preceding month’s income credited to an inmate’s account, each time the amount
in the 10 account exceeds \$10.00. 28 U.S.C. § 1915(b)(2). 11 II. Application Fails to Comply with
Statute 12 Plaintiff has not used the court-approved form for prisoners seeking to proceed in 13
forma pauperis and has not submitted a certified six-month trust account statement (or 14
institutional equivalent). In light of these deficiencies, the Court will deny the Application 15 to
Proceed and will give Plaintiff 30 days to either pay the \$405.00 filing and administrative 16 fees
or file a complete Application to Proceed In Forma Pauperis and certified six-month 17 trust
account statement. 18 III. Motion 19 In his Motion for Constitutional Access, Plaintiff claims he is
denied paper for filing 20 motions in his cases. To the extent Plaintiff is represented by counsel in
his criminal case, 21 a prisoner who is represented by counsel “has no constitutional right of
access to legal 22 materials.” United States v. Robinson, 913 F.2d 712, 717 (9th Cir. 1990). With
respect to 23 this case, Plaintiff has filed both his two-page Motion for Constitutional Access and a

24 sixteen-page First Amended Complaint. Plaintiff has not alleged facts showing he is 25 unable to file documents in this case due to a lack of writing of supplies. The Court will 26 deny the Motion. 27 28 1 IV. Warnings 2 A. Address Changes 3 Plaintiff must file and serve a notice of a change of address in accordance with Rule 4 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other 5 relief with a notice of change of address. Failure to comply may result in dismissal of this 6 action. 7 B. Possible Dismissal 8 If Plaintiff fails to timely comply with every provision of this Order, including these 9 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*, 10 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure 11 to comply with any order of the Court). 12 IT IS ORDERED: 13 (1) Plaintiff's Application to Proceed In Forma Pauperis (Doc. 2) is denied 14 without prejudice. 15 (2) Within 30 days of the date this Order is filed, Plaintiff must either pay the 16 \$350.00 filing fee and \$55.00 administrative fee or file a complete Application to Proceed 17 In Forma Pauperis and a certified six-month trust account statement (or institutional 18 equivalent). 19 (3) If Plaintiff fails to either pay the \$350.00 filing fee and \$55.00 administrative 20 fee or file a complete Application to Proceed In Forma Pauperis within 30 days, the Clerk 21 of Court must enter a judgment of dismissal of this action without prejudice and without 22 further notice to Plaintiff and deny any pending unrelated motions as moot. 23 (4) Plaintiff's Motion for Constitutional Access (Doc. 4) is denied without 24 prejudice. 25 26 27 28 1 (5) The Clerk of Court must mail Plaintiff a court-approved form for filing an Application to Proceed In Forma Pauperis (Non-Habeas). 3 Dated this 18th day of December, 2025. 4 ° 7 James A. Teil Org Senior United States District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Instructions for Prisoners Applying for Leave to Proceed In Forma Pauperis Pursuant to 28 U.S.C. § 1915 in a Civil Action (Non-habeas) in Federal Court You must pay the \$350.00 filing fee plus the \$55.00 administrative fees for a civil action. If you later file an appeal, you will be obligated to pay the \$505.00 filing fee for the appeal. If you have enough money to pay the full \$405.00 filing and administrative fees, you should send a cashier=s check or money order payable to the Clerk of the Court with your complaint. If you do not have enough money to pay the full \$405.00 filing and administrative fees, you can file the action without prepaying the fees. However, the Court will assess an initial partial filing fee. The initial partial filing fee will be the greater of 20% of the average monthly deposits or 20% of the average monthly balance in your prison or jail account for the six months immediately preceding the filing of the lawsuit. The Court will order the agency that has custody of you to withdraw the initial partial filing fee from your prison or jail account as soon as funds are available and to forward the money to the Court. After the initial partial filing fee has been paid, you will owe the balance of the \$350.00 filing fee (you will not be required to pay the \$55.00 administrative fee). Until the filing fee is paid in full, each month you will owe 20% of your preceding month's income. The agency that holds you in custody will collect that money and forward it to the Court any time the amount in your account exceeds \$10.00. These installment fees are calculated on a per-case basis.

This means that you will be required to pay 20% of your preceding month=s income for each civil non-habeas corpus case in which you have an outstanding filing fee balance. For example, if you are making payments toward filing fee balances in two civil non-habeas corpus cases, 40% of your preceding month=s income will be collected each month. The balance of the filing fee may be collected even if the action is later dismissed, summary judgment is granted against you, or you fail to prevail at trial. To file an action without prepaying the filing fee, and to proceed with an action in forma pauperis, you must complete the attached form and return it to the Court with your complaint. You must have a prison or jail official complete the certificate on the bottom of the form and attach a certified copy of your prison or jail account statement for the last six months. If you were incarcerated in a different institution during any part of the past six months, you must attach a certificate and a certified copy of your account statement from each institution at which you were confined. If you submit an incomplete form or do not submit a prison or jail account statement with the form, your request to proceed in forma pauperis will be denied. Even if some or all of the filing fee has been paid, the Court is required to dismiss your action if:

(1) your allegation of poverty is untrue; (2) the action is frivolous or malicious; (3) your complaint does

not state a claim upon which relief can be granted; or (4) your complaint makes a claim against a defendant for money damages and that defendant is immune from liability for money damages. If you file more than three actions or appeals which are dismissed as frivolous or malicious or for failure to state a claim on which relief can be granted, you will be prohibited from filing any other action in forma pauperis unless you are in imminent danger of serious physical injury.

_____ Name and Prisoner/Booking Number

_____ Place of Confinement

_____ Mailing Address
_____ City, State, Zip Code

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

_____, CASE NO.

_____ Plaintiff,

APPLICATION TO PROCEED

v.

IN FORMA PAUPERIS

BY A PRISONER

_____, CIVIL (NON-HABEAS)

Defendant(s). I, , declare, in support of my request to proceed in the above entitled case without prepayment of fees under 28 U.S.C. § 1915, that I am unable to pay the fees for these proceedings or to give security therefor and that I believe I am entitled to relief. In support of this application, I answer the following questions under penalty of perjury:

1. Have you ever before brought an action or appeal in a federal court while you were incarcerated or detained?

GYes GNo If "Yes," how many have you filed? . Were any of the actions or appeals dismissed because they were frivolous, malicious, or failed to state a claim upon which relief may be granted? GYes GNo If "Yes," how many of them? .

2. Are you currently employed at the institution where you are confined? GYes GNo

If "Yes," state the amount of your pay and where you work.

3. Do you receive any other payments from the institution where you are confined? GYes GNo

If "Yes," state the source and amount of the payments. 1

4. Do you have any other sources of income, savings, or assets either inside or outside of the institution where

you are confined? GYes GNo If "Yes," state the sources and amounts of the income, savings, or assets. I declare under penalty of perjury that the above information is true and correct.

DATE SIGNATURE OF APPLICANT

ACKNOWLEDGEMENT OF COLLECTION OF FILING FEES FROM TRUST ACCOUNT

I, , acknowledge that upon granting this Application, the Court will order designated correctional officials at this institution, or any other correctional institution to which I am transferred, to withdraw money from my trust account for payment of the filing fee, as required by 28 U.S.C. § 1915(b). The Court will require correctional officials to withdraw an initial partial payment equal to 20% of the greater of: (A) the average monthly deposits to my account for the six-month period preceding my filing of this action, or (B) the average monthly balance in my account for the six-month period preceding my filing of this action. After the initial payment, if the amount in my account is at least \$10.00, the Court will require correctional officials to withdraw from my account 20% of each month's income and forward it to the Court until the required filing fee is paid in full. I understand that I am required to pay the entire fee, even if my case is dismissed by the Court before the fee is fully paid. I further understand that if I file more than one action, correctional officials will be ordered to withdraw 20% of each month's income, for each action, simultaneously. Accordingly, if I have filed two actions, correctional officials will withdraw 40% of my income each month; three actions will require 60% of my income each month, etc.

DATE SIGNATURE OF APPLICANT

CERTIFICATE OF CORRECTIONAL OFFICIAL

AS TO STATUS OF APPLICANT=S TRUST ACCOUNT

I, , certify that as of the date applicant signed this application: (Printed name of official) The applicant=s trust account balance at this institution is: \$ The applicant=s average monthly deposits during the prior six months is: \$ The applicant=s average monthly balance during the prior six months is: \$ The attached certified account statement accurately reflects the status of the

applicant=s account.

DATE AUTHORIZED SIGNATURE TITLE/ID NUMBER INSTITUTION

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