

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

York v. Doerer

No. 1:25-cv-0059 JLT EPG (E.D. Cal. Apr. 7, 2025) · No. 1:25-cv-0059 JLT EPG · Decided April 7, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations concerning Broderick Wade York’s application to proceed in forma pauperis in a 42 U.S.C. § 1983 action. The court denied the application based on evidence that Plaintiff had sufficient funds and ordered him to pay the \$405 filing fee within 30 days. The court warned that failure to pay would result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 7, 2025
DOCKET	1:25-cv-0059 JLT EPG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a civil rights action under 42 U.S.C. § 1983 and moved to proceed in forma pauperis. The district court reviewed and adopted a magistrate judge's findings and recommendations denying in forma pauperis status and requiring payment of the filing fee.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order
PARTIES	Broderick Wade York v. J. Doerer, et al.

TOPICS

- section 1983
- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

- 1. Whether Plaintiff qualified to proceed in forma pauperis based on the financial information in the record.
- 2. Whether the district court should adopt the magistrate judge's findings and recommendations after Plaintiff filed no objections.

HOLDINGS

- 1. The district court adopted the magistrate judge's findings and recommendations in full after conducting de novo review under 28 U.S.C. § 636(b)(1).
- 2. Plaintiff's application to proceed in forma pauperis was denied because the record showed he had sufficient funds to pay the filing fee in full.

KEY QUOTATIONS

“failure to file objections within the specified time may result in the waiver of rights on appeal.” (at 1)

FACTUAL BACKGROUND

Broderick Wade York filed a civil rights action concerning alleged violations occurring while he was housed at United States Penitentiary Atwater. He sought leave to proceed in forma pauperis, but the financial information reflected average monthly deposits of \$843.36. After the court gave him an opportunity to provide additional information regarding his income and obligations, he did not respond.

PROCEDURAL HISTORY

The magistrate judge found that Plaintiff had sufficient funds to pay the filing fee, based in part on average monthly deposits of \$843.36, and recommended denial of the in forma pauperis application. Plaintiff was given an opportunity to provide additional financial information and later an opportunity to object to the findings and recommendations, but filed no response or objections. The district court conducted de novo review under 28 U.S.C. § 636(b)(1), adopted the findings and recommendations in full, denied in forma pauperis status, and ordered Plaintiff to pay the \$405 filing fee within 30 days.

DISPOSITION

other

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

(PC) York v. Doerer

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 BRODERICK WADE YORK,) Case No.: 1:25-cv-0059 JLT EPG) 12 Plaintiff,) ORDER
ADOPTING FINDINGS AND

) RECOMMENDATIONS, DENYING PLAINTIFF'S

13 v.) MOTION TO PROCEED IN FORMA PAUPERIS,

) AND DIRECTING PLAINTIFF TO PAY THE

14 J. DOERER, et al.,) FILING FEE WITHIN 30 DAYS

) 15 Defendants.) (Docs. 2, 6)) 16 17 Broderick York filed this civil rights action pursuant to 42
U.S.C. § 1983, seeking to hold the 18 defendants liable for violations of his civil rights while
housed at United States Penitentiary Atwater. 19 (See generally Doc. 1.) Plaintiff seeks to proceed
in forma pauperis in this matter. (Doc. 2.) The 20 magistrate judge found Plaintiff has sufficient
funds to pay the filing fee in full, based upon the report 21 that he had an average monthly deposit
of \$843.36. (Doc. 6 at 2-3.) The Court offered Plaintiff an 22 opportunity to provide additional
information about the sources of income and financial obligations 23 (Doc. 5), but Plaintiff did not
respond. Therefore, the magistrate judge recommended the Court deny 24 the motion to proceed in
forma pauperis and order Plaintiff to pay the filing fee. (Doc. 6 at 3.) 25 The Court served the
Findings and Recommendations on Plaintiff and notified him that any 26 objections were due
within 30 days. (Doc. 6 at 3.) The Court advised Plaintiff the “failure to file 27 objections within
the specified time may result in the waiver of rights on appeal.” (Id., citing 28 Wilkerson v.
Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014).) Plaintiff did not file any objections and 1 || the
time to do so has passed. 2 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo
review of this case. 3 || Having carefully reviewed the matter, the Court concludes the Findings
and Recommendations are 4 || supported by the record and proper analysis. Thus, the Court
ORDERS: 5 1. The Findings and Recommendations filed on February 27, 2025 (Doc. 6) are 6
ADOPTED in full. 7 2. Plaintiffs application to proceed in forma pauperis (Doc. 2) is DENIED. 8
3. Within 30 days from the date of service of this order, Plaintiff SHALL pay in full the 9 \$405.00
filing fee if he wishes to proceed with his action. 10 Plaintiff is advised that failure to pay the
required filing fee as ordered will result in the 11 dismissal of this action without prejudice. 12 13
||IT IS SO ORDERED. 14 Dated: _ April 7, 2025 Cerin | Tower

15 TED STATES DISTRICT JUDGE

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