

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alana Dunn v. Unified District School Clovis, et al.

Dunn · No. 1:25-cv-0962 JLT BAM · Decided September 12, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Alana Dunn’s motion for reconsideration under Federal Rule of Civil Procedure 60(b). The court rejected her contention that it had misstated her household income in denying in forma pauperis status and explained that arguments concerning the merits of her complaint were premature. The court ordered Plaintiff to pay the filing fee by September 25, 2025, warning that failure to do so 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	September 12, 2025
DOCKET	1:25-cv-0962 JLT BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the Court's prior order denying her application to proceed in forma pauperis and requiring payment of the filing fee. The Court construed Plaintiff's filing as a motion for reconsideration under Federal Rule of Civil Procedure 60(b) and denied it.
STANDARD OF REVIEW	Reconsideration under Rule 60(b) is an extraordinary remedy to be used sparingly; the moving party must demonstrate injury and circumstances beyond the party's control and must show a basis such as mistake, newly discovered evidence, fraud, a void judgment, satisfaction or changed equitable circumstances, or another reason justifying relief.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Alana Dunn v. Unified District School Clovis, et al.

TOPICS

motion for reconsideration

civil procedure

PRACTICE AREAS

civil procedure

in forma pauperis proceedings

reconsideration motions

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated a factual or legal mistake warranting reconsideration under Federal Rule of Civil Procedure 60(b) of the order requiring her to pay the filing fee.
2. Whether Plaintiff's arguments concerning the merits and sufficiency of her complaint warranted reconsideration before the complaint had been screened.

HOLDINGS

1. Plaintiff did not show that the Court made a factual or legal mistake in identifying her annual household income because the Court considered household income, including her salary and SSI benefits received for her children, rather than attributing the entire amount to Plaintiff personally.
2. Arguments concerning the sufficiency or merits of Plaintiff's complaint did not warrant reconsideration because the Court had not yet screened the complaint or made a merits determination, and those arguments were irrelevant to the filing-fee ruling.

KEY QUOTATIONS

“Reconsideration of a prior order is an extraordinary remedy “to be used sparingly in the interests of finality and conservation of judicial resources.”” (at 2)

“The Court did not find that Plaintiff alone makes such a salary.” (at 3)

“Further motions for reconsideration on this matter will not be entertained by the Court.” (at 4)

FACTUAL BACKGROUND

Plaintiff reported an annual household income of \$91,294.80, consisting of her gross monthly pay of \$4,600 and \$3,007.90 per month in SSI benefits received for her four children. The Court determined that this income was sufficient to pay the filing fee while providing for Plaintiff's and her dependents' necessities. In her renewed reconsideration motion, Plaintiff asserted that she did not personally earn \$91,000 per year and that the Court had erred.

PROCEDURAL HISTORY

Plaintiff applied to proceed in forma pauperis. The Court determined that her reported annual household income of \$91,294.80 was sufficient to pay the filing fee and ordered her to pay it. After previously denying reconsideration, the Court construed Plaintiff's subsequent filing as another Rule 60(b) motion, denied reconsideration, ordered payment by September 25, 2025, and warned that nonpayment would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008)
- Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009)

OPINION

Dunn

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ALANA DUNN,) Case No.: 1:25-cv-0962 JLT BAM) 12 Plaintiff,) ORDER
CONSTRUING PLAINTIFF'S

) MOTION TO THE COURT AS A MOTION

13 v.) FOR RECONSIDERATION

) 14 UNIFIED DISTRICT SCHOOL CLOVIS, et al.,) (Doc. 10)) 15 Defendants.) ORDER
DENYING RECONSIDERATION) 16) 17 Alana Dunn requested to proceed in forma pauperis
in this action. (Doc. 2.) The Court found 18 Plaintiff's annual household income—which exceeds
\$90,000—was sufficient for her to pay the 19 Court's filing fee and still provide for life's
necessities for herself and her dependents. (Doc. 5 at 1-2.) 20 Therefore, the Court ordered
Plaintiff to pay the filing fee in full to proceed with this action. (Id. at 2.) 21 After the Court
directed Plaintiff to pay the filing fee, Plaintiff filed objections to the order 22 (Doc. 6) and a
response to the Court (Doc. 7). The Court reviewed the filings and construed them as a 23 motion
for reconsideration under Rule 60(b). (Doc. 9.) The Court found Plaintiff failed to “identify 24 any
factual or legal mistake in the Court's analysis concerning her household income,” and her 25
arguments were “predicated on her general disagreement with the ruling.” (Id. at 3.) Therefore, the
26 Court denied the reconsideration and ordered Plaintiff to pay the filing fee within 14 days. (Id.)
27 Plaintiff has now filed a “motion to the Court where errors occurred.” (Doc. 10.) Again, the 28
Court construes the filing to be a motion for reconsideration pursuant to Fed. R. Civ. P. 60(b).
Pursuant 1 to Rule 60(b) of the Federal Rules of Civil Procedure, “[o]n motion and just terms, the
court may 2 relieve a party or its legal representative from a final judgment, order, or proceeding.”
Id. Rule 60(b) 3 indicates such relief may be granted “for the following reasons:” 4 (1) mistake,
inadvertence, surprise, or excusable neglect;
(2) newly discovered evidence...;

5 (3) fraud (whether previously called intrinsic or extrinsic) misrepresentation, or misconduct by
an opposing party; 6 (4) the judgment is void;
(5) the judgment has been satisfied, released, or discharged; it is based on
7 an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer
equitable; or 8 (6) any other reason that justifies relief. 9 Fed. R. Civ. P. 60(b). 10 Reconsideration
of a prior order is an extraordinary remedy “to be used sparingly in the interests 11 of finality and
conservation of judicial resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 12 877, 890
(9th Cir. 2000) (citation omitted); see also *Harvest v. Castro*, 531 F.3d 737, 749 (9th Cir. 13 2008)
(addressing reconsideration under Rule 60(b)). In seeking reconsideration under Rule 60, the 14
moving party “must demonstrate both injury and circumstances beyond his control.” *Harvest*, 531
F.3d 15 at 749 (cleaned up). “A motion for reconsideration should not be granted, absent highly
unusual 16 circumstances, unless the district court is presented with newly discovered evidence,
committed clear 17 error, or if there is an intervening change in the controlling law,” and it “may
not be used to raise 18 arguments or present evidence for the first time when they could reasonably
have been raised earlier in 19 the litigation.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH
& Co.*, 571 F.3d 873, 880 (9th Cir. 20 2009) (internal quotations marks, citations omitted)
(emphasis in original). 21 To the extent Plaintiff seeks reconsideration of the Court’s order
denying her application to 22 proceed in forma pauperis based upon a mistake of fact, Plaintiff
fails to show such an error. She 23 maintains that she does “not make 91,000 a year” and “that’s a
error[.]” (Doc. 10 at 8.) However, the 24 Court did not find that Plaintiff alone makes such a
salary. Upon review of the motion to proceed in 25 forma pauperis, the Court found that “Plaintiff
reported an annual household income of \$91,294.80 26 including her own salary as well as the SSI
benefits received for four children.” (Doc. 5 at 2, emphasis 27 added.) It is indisputable that
Plaintiff reported receiving \$3,007.90 in benefits per month for her 28 children, in addition to her
gross monthly pay of \$4,600.00. (See Doc. 2 at 1.) Thus, Plaintiff fails to 1 || show the Court erred
in identifying the household income when evaluating her motion to proceed in 2 forma pauperis.
Consequently, Plaintiff’s argument is unavailing. 3 Plaintiff also appears to argue the sufficiency of
the allegations in her complaint and the merit 4 || of her case. (See generally Docs. 10.) As the
Court previously explained, the Court has not screened 5 || the allegations of the complaint nor
made any determination as to the merits. The matter will not 6 || proceed to a screening unless the
filing fee is paid. Any arguments related to Plaintiffs claims are 7 || irrelevant at this stage of the
litigation. 8 Ultimately, Plaintiff fails to show reconsideration of the Court’s order is appropriate
under Rv 9 || 60(b). Plaintiff does not identify any factual or legal mistake in the Court’s analysis
concerning her 10 || household income. Plaintiff also does not identify any new evidence or a
change in controlling law □□ 11 || support reconsideration of the Court’s order. Based upon the
foregoing, the Court ORDERS: 12 1. Plaintiff’s motion “to the Court [to show] where the errors
occurred,” construed as a 13 motion for reconsideration (Doc. 10) is DENIED. 14 2. Plaintiff
SHALL pay the filing fee no later than September 25, 2025. 15 Further motions for

reconsideration on this matter will not be entertained by the Court. 16 Failure to pay the filing fee
as ordered will result in dismissal of this action without 17 prejudice. 18 19 IT IS SO ORDERED.
20 || Dated: _ September 12, 2025 (LAW pA L. wan
TED STATES DISTRICT JUDGE
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