

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Julian J. Alexander v. Haylee K. Alvey, et al.

Alexander · No. 2:25-cv-01981-CDS-DJA · Decided December 3, 2025

SUMMARY

The United States District Court for the District of Nevada denied Julian J. Alexander’s application to proceed in forma pauperis without prejudice because the application omitted or inadequately answered several financial questions. The court gave Plaintiff 30 days to file an updated application or pay the filing fee and did not screen the complaint at that time.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Daniel J. Albregts
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 3, 2025
DOCKET	2:25-cv-01981-CDS-DJA
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff applied to proceed in forma pauperis. The district court denied the application without prejudice because the financial affidavit omitted required information.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- in forma pauperis proceedings
- filing-fee waiver

QUESTIONS PRESENTED

- Whether the plaintiff's incomplete financial affidavit established eligibility to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
- Whether the court should allow the plaintiff an opportunity to submit a corrected application or pay the filing fee.

HOLDINGS

1. An in forma pauperis application that omits required information about the applicant's income, assets, expenses, dependents, or financial obligations does not permit the court to determine eligibility under 28 U.S.C. § 1915(a)(1).
2. The court may deny an incomplete in forma pauperis application without prejudice and allow the applicant an opportunity to file a complete application or pay the filing fee.

KEY QUOTATIONS

“Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of fees or security therefor” if the plaintiff submits a financial affidavit that demonstrates the plaintiff “is unable to pay such fees or give security therefor.”” (1)

“The Court denies Plaintiff’s in forma pauperis application without prejudice. The Court gives Plaintiff 30 days to file an updated application.” (2)

FACTUAL BACKGROUND

Julian J. Alexander submitted an in forma pauperis application but left questions about his incarceration status and employment unanswered. He also failed to provide required information concerning income from plasma, the value of his truck, monthly expenses, a claimed dependent, and debts or financial obligations. Because the omissions prevented the court from determining whether he was unable to pay the filing fee, the court denied the application without prejudice.

PROCEDURAL HISTORY

Plaintiff filed an application to proceed in forma pauperis with his civil complaint. The court found that the application left multiple questions unanswered or incomplete, denied the application without prejudice, allowed 30 days to submit a complete application or pay the filing fee, and deferred screening of the complaint.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1235 (9th Cir. 2015)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Harper v. San Diego City Admin. Bldg., No. 16-cv-00768 AJB (BLM), 2016 U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016)
- Kennedy v. Huibregtse, 831 F.3d 441, 443-44 (7th Cir. 2016)

OPINION

Alexander

PER CURIAM.

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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

4 * * * 5 Julian J. Alexander, Case No. 2:25-cv-01981-CDS-DJA 6 Plaintiff, 7 Order v. 8 Haylee
K. Alvey, et al., 9 Defendants. 10 11 Pro se Plaintiff Julian J. Alexander filed an application to
proceed in forma pauperis. 12 (ECF No. 1). However, Plaintiff's application is missing certain
information. The Court thus 13 denies Plaintiff's application without prejudice. 14 I. Discussion.
15 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action "without prepayment of
16 fees or security therefor" if the plaintiff submits a financial affidavit that demonstrates the 17
plaintiff "is unable to pay such fees or give security therefor." The Ninth Circuit has recognized 18
that "there is no formula set forth by statute, regulation, or case law to determine when someone
19 is poor enough to earn [in forma pauperis] status." *Escobedo v. Applebees*, 787 F.3d 1226, 1235
20 (9th Cir. 2015). An applicant need not be destitute to qualify for a waiver of costs and fees, but
21 he must demonstrate that because of his poverty he cannot pay those costs and still provide 22
himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & Co.*, 335 U.S. 331, 339 23
(1948). 24 The applicant's affidavit must state the facts regarding the individual's poverty "with 25
some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940 26
(9th Cir. 1981) (citation omitted). If an individual is unable or unwilling to verify his or her 27
poverty, district courts have the discretion to make a factual inquiry into a plaintiff's financial 1
Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not abuse its discretion by 2
denying the plaintiff's request to proceed in forma pauperis because he "failed to verify his 3
poverty adequately"). "Such affidavit must include a complete statement of the plaintiff's 4
personal assets." *Harper v. San Diego City Admin. Bldg.*, No. 16-cv-00768 AJB (BLM), 2016 5
U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient
6 grounds for denying an in forma pauperis application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441,
7 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on
8 in forma pauperis application). 9 Plaintiff's application is missing certain information. Plaintiff
leaves both question 1 10 (which question asks if Plaintiff is incarcerated) and the first part of
question 2 (which question 11 asks if Plaintiff is employed and what his employer's name and
address is) blank. While it 12 appears from Plaintiff's address on the docket and his answer to the
second part of question 2— 13 claiming to make zero dollars in wages—that he is neither
incarcerated nor employed, Plaintiff 14 must indicate so in his responses to question 1 and 2 rather
than leaving the Court to guess. 15 Additionally, Plaintiff responds to question 3 by marking the
box indicating that he receives 16 income from another source. He describes the source as
"plasma" but does not complete question 17 3 by stating the amount that he received and what he

expects to receive in the future. In response 18 to question 5, Plaintiff writes that he has a truck, but does not provide its approximate value. In 19 response to question 6, Plaintiff provides that his monthly expenses include “food, gas, phone,” 20 but does not provide the amount of these monthly expenses. In response to question 7, Plaintiff 21 lists a person dependent upon him for support, but also indicates that the person is deceased. In 22 response to question 8, Plaintiff writes that he does not know if he has any debts or financial 23 obligations and explains in parenthesis “fraud done.” However, Plaintiff provides no further 24 explanation about this fraud or why he is unaware of his debts or financial obligations because of 25 it. 26 Given these issues, the Court cannot determine whether Plaintiff qualifies for in forma 27 pauperis status. The Court will give Plaintiff one opportunity to file a complete an in forma 1 applicable” in response to any question without providing an explanation for each of the 2 questions. Plaintiff also may not leave any questions blank. Plaintiff must describe each source 3 of money that he receives, state the amount he received, and what he expects to receive in the 4 future. 5 The Court denies Plaintiff’s in forma pauperis application without prejudice. The Court 6 gives Plaintiff 30 days to file an updated application. Plaintiff must fully answer all applicable 7 questions and check all applicable boxes. Plaintiff may alternatively pay the filing fee in full. 8 Since the Court denies Plaintiff’s application, it does not screen the complaint at this time. 9 10 IT IS THEREFORE ORDERED that Plaintiff’s application to proceed in forma 11 pauperis (ECF No. 1) is denied without prejudice. 12 IT IS FURTHER ORDERED that Plaintiff has until January 5, 2026, to file an updated 13 application to proceed in forma pauperis as specified in this order or pay the filing fee. Failure to 14 timely comply with this order may result in a recommendation to the district judge that this case 15 be dismissed. 16 IT IS FURTHER ORDERED that the Clerk of Court is kindly directed to send Plaintiff 17 a copy of this order and of the Short Form application to proceed in forma pauperis and its 18 instructions.1 19 20 DATED: December 3, 2025 21

DANIEL J. ALBREGTS

22 UNITED STATES MAGISTRATE JUDGE

23 24 25 26 27 1 This form and its instructions can also be found at
https://www.nvd.uscourts.gov/court-