

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

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-