

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Robert Matthew Elmore v. Federal Bureau of Investigation

Elmore · No. 25-cv-03343-BAS-MMP · Decided December 1, 2025

SUMMARY

The United States District Court for the Southern District of California denied Robert Matthew Elmore’s motion to proceed in forma pauperis without prejudice. The court found that the motion provided insufficient information about the plaintiff’s income, assets, expenses, and possible financial support, and allowed him until December 10, 2025, to file an amended motion or pay the filing fee.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 1, 2025
DOCKET	25-cv-03343-BAS-MMP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a complaint and a motion to proceed in forma pauperis. The district court denied the IFP motion without prejudice.
STANDARD OF REVIEW	The determination of indigency under 28 U.S.C. § 1915 is committed to the district court's discretion.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Robert Matthew Elmore v. Federal Bureau of Investigation

TOPICS

civil procedure costs

PRACTICE AREAS

civil procedure remedies

QUESTIONS PRESENTED

1. Whether Plaintiff's motion to proceed in forma pauperis contained sufficient particularized information to establish indigency under 28 U.S.C. § 1915(a).

HOLDINGS

1. A motion to proceed in forma pauperis must provide sufficiently particularized information regarding the applicant's poverty and financial circumstances to permit the court to determine indigency. Plaintiff's motion was insufficient because it reported no income, assets, or expenses without explaining how he paid for living expenses or whether he received financial support.

KEY QUOTATIONS

“a party need not be completely destitute to proceed IFP.” (at 1)

“Finally, facts as to the affiant’s poverty must be stated “with some particularity, definiteness, certainty.”” (at 1)

“Plaintiff must have some way to pay for living expenses. Without further explanation, the current IFP motion (ECF No. 2) is insufficient.” (at 2)

FACTUAL BACKGROUND

Plaintiff reported \$0 in income, \$0 in expected income, no assets, and no monthly expenses in his IFP motion. He did not identify any sources of income, including state or federal financial aid, or explain whether another person financially supported him. The court concluded that the motion did not provide enough information to determine whether Plaintiff was indigent.

PROCEDURAL HISTORY

Robert Matthew Elmore filed a complaint against the Federal Bureau of Investigation and simultaneously moved to proceed in forma pauperis. The district court found the motion insufficient because it did not adequately explain how Plaintiff could meet his living expenses despite reporting no income, assets, or expenses. The court denied the motion without prejudice and allowed Plaintiff until December 10, 2025, to file an amended motion or pay the filing fee.

DISPOSITION

other

CASES CITED

- Cal. Men's Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991), rev'd on other grounds, 506 U.S. 194 (1993)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948)
- Temple v. Ellerthorpe, 586 F. Supp. 848, 850 (D.R.I. 1984)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 ROBERT MATTHEW ELMORE, Case No. 25-cv-03343-BAS-MMP 12
Plaintiff, ORDER DENYING PLAINTIFF’S 13 v. MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS 14 FEDERAL BUREAU OF (ECF No. 2) INVESTIGATION, 15 Defendant.
16 17 Plaintiff Robert Matthew Elmore filed a complaint against the United States Federal 18
Bureau of Investigation (ECF No. 1) and a motion to proceed in forma pauperis (“IFP”) 19 (ECF
No. 2) on the same day.

20 Under 28 U.S.C. § 1915, a litigant who because of indigency is unable to pay the 21 required
fees or security to commence a legal action may petition the court to proceed 22 without making
such payment. The determination of indigency falls within the district 23 court’s discretion. *Cal.*
Men’s Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991), *rev’d* 24 on other grounds, 506 U.S.
194 (1993) (holding that “Section 1915 typically requires the 25 reviewing court to exercise its
sound discretion in determining whether the affiant has 26 satisfied the statute’s requirement of
indigency”).

It is well-settled that a party need not be 27 completely destitute to proceed IFP. *Adkins v. E.I.*
DuPont de Nemours & Co., 335 U.S. 28 331, 339–40 (1948). To satisfy the requirements of 28
U.S.C. § 1915(a), “an affidavit [of | poverty] is sufficient which states that one cannot because of
his poverty pay or give 2 ||security for costs... and still be able to provide himself and dependents
with the necessities 3 llof life.” *Jd.* at 339.

At the same time, however, “the same even-handed care must be 4 ||employed to assure that
federal funds are not squandered to underwrite, at public expense 5 ||... the remonstrances of a
suitor who is financially able, in whole or in material part, to 6 || pull his own oar.” *Temple vy.*
Ellerthorpe, 586 F. Supp. 848, 850 (D.R.I. 1984).

Finally, 7 facts as to the affiant’s poverty must be stated “with some particularity, definiteness, 8
certainty.” *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981). 9 Here, the Court
concludes that there is insufficient information to determine whether 10 || Plaintiff should be
permitted to proceed IFP. Plaintiff lists that he has \$0 in income, \$0 11 |;}expected income, no
assets, and no monthly expenses.

Plaintiff does not indicate any 12 streams of income, including state or federal financial aid.
Plaintiff also does not indicate 13 || whether someone else is financially supporting him. Plaintiff
must have some way to pay 14 || for living expenses. Without further explanation, the current IFP
motion (ECF No. 2) is 15 |insufficient.

The motion is DENIED WITHOUT PREJUDICE. 16 If Plaintiff wishes to file an amended IFP
motion, he must do so by December 10, 17 ||}2025. Alternatively, Plaintiff may also pay the filing

fee. The Court warns Plaintiff that if 18 || he does not file an amended IFP motion by December 10, 2025, or pay the filing fee, the 19 Court will DIRECT the Clerk of Court to close the case.

20 IT IS SO ORDERED. 21 22 DATED: December 1, 2025 (pallu Bahar te 73 H n. Cynthia Bashant, Chief Judge United States District Court 24 25 26 27 28