

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PRECEDENTIAL VALUE	Nonprecedential district court order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)

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