

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Stephen Favis v. Michael Joseph Favis, et al.

Favis v. Favis, No. 2:25-cv-01713 DAD SCR (E.D. Cal. Aug. 4, 2025) · No. 2:25-cv-01713 DAD SCR ·
Decided August 4, 2025

SUMMARY

The United States Magistrate Judge recommends denying Stephen Favis’s motion to proceed in forma pauperis and dismissing the action without prejudice. The recommendation is based on Plaintiff’s failure to provide sufficient financial information, comply with the Court’s order to supplement the application, or pay the filing fee. The findings and recommendations advise the parties of the fourteen-day period for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 4, 2025
DOCKET	2:25-cv-01713 DAD SCR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending denial of Plaintiff's motion to proceed in forma pauperis and dismissal without prejudice after Plaintiff failed to supplement the application or pay the filing fee.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

civil procedure pleadings

PRACTICE AREAS

civil rights in forma pauperis proceedings federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff established eligibility to proceed in forma pauperis.

2. Whether the action should be dismissed without prejudice when Plaintiff failed to adequately support the IFP application, failed to comply with the order to supplement it, and failed to pay the filing fee.

HOLDINGS

1. Plaintiff did not provide sufficient information to establish entitlement to proceed in forma pauperis, and his motion should be denied.
2. Because Plaintiff was not entitled to IFP status and did not pay the filing fee, the action should be dismissed without prejudice.

KEY QUOTATIONS

“However, “a plaintiff seeking IFP status must allege poverty with some particularity, definiteness and certainty.”” (at 1)

“An action may proceed despite failure to pay the filing fees only if the party is granted IFP status.” (at 1)

FACTUAL BACKGROUND

Plaintiff submitted an incomplete and internally inconsistent application to proceed in forma pauperis. The application omitted information about wages, assets, and expenses, and conflicted with financial information Plaintiff had provided in another action filed in February 2025. After being ordered to supplement the application or pay the filing fee, Plaintiff did not respond within more than thirty days and did not pay the fee.

PROCEDURAL HISTORY

Plaintiff filed the complaint and an application to proceed in forma pauperis on June 18, 2025. The court found the application insufficient because it omitted information concerning wages, assets, and expenses and contained inconsistencies with information in another action. The court ordered Plaintiff to supplement the application or pay the filing fee within fourteen days. Plaintiff did neither, leading the magistrate judge to recommend denial of IFP status and dismissal without prejudice, subject to objections and review by the assigned district judge.

DISPOSITION

dismissed

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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