

**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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 STEPHEN FAVIS, No. 2:25–cv–01713 DAD SCR 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATIONS 14 MICHAEL JOSEPH FAVIS, et al., 15 Defendants.
16 17 Plaintiff is proceeding pro se in this matter, which is referred to the undersigned pursuant 18
to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

The Court now recommends that Plaintiff’s 19 motion to proceed in forma pauperis (“IFP”) (ECF
No. 2) be DENIED and the action be 20 dismissed without prejudice. 21 Plaintiff filed his
complaint and the motion for IFP on June 18, 2025. ECF Nos. 1 & 2. 22 On June 27, 2025, this
Court issued an Order finding that the motion makes an insufficient 23 showing to proceed in
forma pauperis.

ECF No. 4 at 1. The Court noted that the motion for IFP 24 contained several omissions, including
information as to wages, assets, and expenses. Further, 25 the information that was reported was
inconsistent with information provided in another action 26 that was filed in February 2025. 27
The Court directed Plaintiff to supplement the motion for IFP within 14 days, or 28 alternatively
Plaintiff could pay the filing fee within 14 days.

ECF No. 4 at 2. The Order further 1 | provided that if Plaintiff “does not supplement the
application or pay the filing fee within 14 days, 2 || the Court will issue findings and
recommendations that the motion for IFP be denied and that this 3 || case be dismissed without
prejudice.” Jd. Now more than 30 days have passed, and Plaintiff has 4 || not responded to the
Court’s order.

5 As the Ninth Circuit has recognized “one need not be absolutely destitute to obtain 6 || benefits”
of the IFP statute. *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). 7 || However, “a
plaintiff seeking IFP status must allege poverty with some particularity, definiteness 8 | and
certainty.” /d. Plaintiff provided insufficient information in support of his motion and 9 || has not
complied with the Court’s order to supplement the motion.

Plaintiff has also not paid the 10 | filing fee. Plaintiffs action thus may not proceed. See *Rodriguez*
v. Cook, 169 F.3d 1176, 1177 11 | (9th Cir. 1999) (“An action may proceed despite failure to pay

the filing fees only if the party is 12 | granted IFP status.”). 13 Accordingly, IT IS HEREBY RECOMMENDED that: 14 1. Plaintiffs motion to proceed IFP (ECF No. 2) be DENIED; 15 2.

This action be dismissed without prejudice; and 16 3. The Clerk be directed to enter Judgment and close this case. 17 These findings and recommendations will be submitted to the United States District Judge 18 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 19 | after being served with these findings and recommendations, either party may file written 20 | objections with the court.

The document should be captioned “Objections to Magistrate Judge's 21 | Findings and Recommendations.” The parties are advised that failure to file objections within the 22 || specified time may result in waiver of the right to appeal the district court’s order. *Martinez v.* 23 || *Yist*, 951 F.2d 1153 (9th Cir. 1991). 24 || Dated: August 4, 2025. °° Link 26 SEAN C. RIORDAN 27 UNITED STATES MAGISTRATE JUDGE 28