

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Camargo Alejo v. Vista Detention Facility

No. 3:25-cv-0258-AGS-JLB (S.D. Cal. Apr. 1, 2025) · No. 3:25-cv-0258-AGS-JLB · Decided April 1, 2025

SUMMARY

The United States District Court for the Southern District of California denied Jose Camargo Alejo’s motion to proceed in forma pauperis because he failed to provide a certified trust-account statement for the preceding six months. The court dismissed the § 1983 action without prejudice and allowed the plaintiff to reopen it by paying the filing fees or submitting a renewed, properly supported IFP motion by the stated deadline.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 1, 2025
DOCKET	3:25-cv-0258-AGS-JLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights complaint under 42 U.S.C. § 1983 and a motion to proceed in forma pauperis. The district court denied the IFP motion and dismissed the action without prejudice.
STANDARD OF REVIEW	The court evaluated the sufficiency of the IFP application under 28 U.S.C. § 1915 and the applicable filing-fee requirements.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive rather than precedential.

TOPICS

- civil procedure
- section 1983
- prisoners rights
- civil rights

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether plaintiff's motion to proceed in forma pauperis could be granted without a certified trust-account statement or institutional equivalent for the six-month period preceding the complaint.
2. Whether the action should be dismissed without prejudice when the IFP motion was incomplete.

HOLDINGS

1. A prisoner or detainee seeking to proceed in forma pauperis must submit a certified copy of the required trust-account statement or institutional equivalent for the six-month period preceding the filing of the complaint; because plaintiff did not submit that documentation, the IFP motion was denied.
2. When the IFP motion is denied because the required documentation is missing, the action may be dismissed without prejudice, subject to reopening if plaintiff timely pays the filing fees or submits a compliant renewed IFP motion.

KEY QUOTATIONS

“a “certified copy of the[ir] trust fund account statement (or institutional equivalent) for . . . the 6-month period immediately preceding the filing of the complaint.”” (1)

FACTUAL BACKGROUND

Plaintiff Jose Camargo Alejo, a detainee proceeding without counsel, filed a civil-rights complaint against Vista Detention Facility and other defendants. He also sought leave to proceed in forma pauperis. His application did not include a certified copy of his trust-account statement or institutional equivalent for the six-month period preceding the complaint.

PROCEDURAL HISTORY

Jose Camargo Alejo filed a civil-rights complaint and an IFP motion. The district court determined that the IFP motion was incomplete because it lacked a certified trust-account statement or institutional equivalent for the preceding six months. The court denied IFP, dismissed the action without prejudice, and allowed plaintiff until May 12, 2025, to reopen the case by paying the full filing fee or filing a renewed compliant IFP motion.

DISPOSITION

dismissed

CASES CITED

- *Hymas v. U.S. Department of the Interior*, 73 F.4th 763, 765 (9th Cir. 2023)
- *Bruce v. Samuels*, 577 U.S. 82, 84 (2016)
- *Taylor v. Delatoore*, 281 F.3d 844, 847 (9th Cir. 2002)
- *Andrews v. King*, 398 F.3d 1113, 1119 (9th Cir. 2005)

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 Jose
CAMARGO ALEJO, Case No.: 3:25-cv-0258-AGS-JLB 4 Plaintiff, ORDER DISMISSING
CIVIL 5 vs. ACTION WITHOUT PREJUDICE (ECF 1) AND DENYING MOTION 6 VISTA
DETENTION FACILITY, et al., TO PROCEED IN FORMA 7 Defendants. PAUPERIS (ECF 2) 8
9 Plaintiff Jose Camargo Alejo, a detainee representing himself, has filed a civil rights 10
complaint under 42 U.S.C. § 1983 (ECF 1), along with a motion to proceed in forma 11 pauperis
(ECF 2).

For the reasons discussed below, the Court denies plaintiff's IFP motion 12 and dismisses the
action without prejudice. 13 IFP MOTION 14 Typically, parties instituting any civil action in a
United States district court must 15 pay filing fees of \$405.1 See 28 U.S.C. § 1914(a). An action
may proceed without payment 16 of fees at the time of filing only if the court grants the plaintiff
leave to proceed.

IFP. See 17 28 U.S.C. § 1915(a); see also *Hymas v. U.S. Dep't of the Interior*, 73 F.4th 763, 765 18
(9th Cir. 2023) (holding that when an "IFP application is denied altogether, Plaintiff's case 19
[cannot] proceed unless and until the fee[s] [a]re paid"). 20 A prisoner who qualifies to proceed
IFP, however, remains obligated to pay the full 21 amount due in monthly payments.

See *Bruce v. Samuels*, 577 U.S. 82, 84 (2016); 28 U.S.C. 22 § 1915(b)(1) & (2); *Taylor v.*
Delatoore, 281 F.3d 844, 847 (9th Cir. 2002). Thus, to 23 proceed IFP, prisoners must submit "a
"certified copy of the[ir] trust fund account 24 25 1 In addition to the \$350 statutory fee, civil
litigants must pay an additional 26 administrative fee of \$55. See 28 U.S.C. § 1914(a) (Judicial
Conference Schedule of Fees, 27 District Court Misc.

Fee Schedule, § 14 (eff. Dec. 1, 2023). The additional \$55 administrative fee does not apply to
persons granted leave to proceed IFP. *Id.* 28 1 statement (or institutional equivalent) for... the 6-
month period immediately preceding 2 the filing of the complaint." 28 U.S.C. § 1915(a)(1), (2);
Andrews v. King, 398 F.3d 1113, 3 1119 (9th Cir. 2005).

The Court uses this financial information to calculate and assess an 4 initial partial filing fee, when
appropriate. See 28 U.S.C. § 1915(b)(1)–(2); *Hymas*, 73 F.4th 5 at 767. 6 Here, plaintiff's IFP
motion is incomplete because he has not included a certified 7 copy of his trust account statement.
See 28 U.S.C. § 1915(a)(2); S.D. Cal. CivLR 3.2. 8 Without it, the Court cannot determine
whether an initial partial filing fee may be required 9 to initiate the prosecution of plaintiff's case.

See 28 U.S.C. § 1915(b)(1). Therefore, the 10 IFP motion is denied. 11 CONCLUSION 12
Accordingly, the Court: 13 (1) DENIES plaintiff's Motion to Proceed IFP and DISMISSES the
action 14 without prejudice. See 28 U.S.C. §§ 1915(a) & 1914(a). 15 (2) GRANTS plaintiff until
May 12, 2025, to re-open his case by either: 16 (a) prepaying the entire \$405 in applicable fees in
one lump-sum, or (b) filing a renewed 17 motion to proceed IFP, which includes a prison

certificate, signed by a trust accounting 18 official attesting as to his trust account balances and deposits and/or a certified copy of his 19 Inmate Statement Report for the 6-month period preceding the filing of his Complaint.

See 20 28 U.S.C. § 1915(a)(2); S.D. Cal. CivLR 3.2(b). 21 If plaintiff chooses to pursue neither of these options by May 16, 2025, this case will 22 remain dismissed without prejudice based on plaintiff's failure to comply with 28 U.S.C. 23 § 1914(a). 24 25 26 27 28 1 (3) DIRECTS the Clerk to provide plaintiff with a Court-approved form "Motion 2 Declaration in Support of Motion to Proceed In Forma Pauperis." 3 ||Dated: April 1, 2025 5 Hon. Ahdrew G. Schopler 6 United States District Judge 7 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 ANE.

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