

**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.

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. Andrew 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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