

**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

OPINION

Camargo Alejo v. Vista Detention Facility

PER CURIAM.

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

CONCLUSION

Accordingly, the Court: (1) DENIES plaintiff’s Motion to Proceed IFP and DISMISSES the action without prejudice. See 28 U.S.C. §§ 1915(a) & 1914(a). (2) GRANTS plaintiff until May 12, 2025, to re-open his case by either: (a) prepaying the entire \$405 in applicable fees in one lump-sum, or (b) filing a renewed motion to proceed IFP, which includes a prison certificate, signed by a trust accounting official attesting as to his trust account balances and deposits and/or a certified copy of his Inmate Statement Report for the 6-month period preceding the filing of his Complaint. See 28 U.S.C. § 1915(a)(2); S.D. Cal. CivLR 3.2(b). If plaintiff chooses to pursue neither of these options by May 16, 2025, this case will remain dismissed without prejudice based on plaintiff’s failure to comply with 28 U.S.C. § 1914(a). (3) DIRECTS the Clerk to provide plaintiff with a Court-approved form “Motion Declaration in Support of Motion to Proceed In Forma Pauperis.”

||Dated: April 1, 2025

Hon. Andrew G. Schopler
United States District Judge

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