

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Steven Wayne Bonilla v. Alameda County, Prosecutors for Good
Fellow and John Whitson

Bonilla · No. 25-cv-02583-RBM-VET · Decided January 28, 2026

SUMMARY

The United States District Court for the Southern District of California dismissed Steven Wayne Bonilla’s 42 U.S.C. § 1983 action for failure to pay the required filing fee or properly seek in forma pauperis status. The court also determined that Bonilla had accumulated more than three qualifying strikes under the Prison Litigation Reform Act and had not plausibly alleged imminent danger of serious physical injury.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Ruth Bermudez Montenegro
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 28, 2026
DOCKET	25-cv-02583-RBM-VET
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, an incarcerated person proceeding pro se, filed a 42 U.S.C. § 1983 civil-rights complaint without paying the required filing fee or filing a properly supported motion to proceed in forma pauperis. The district court dismissed the action and directed entry of final judgment.
STANDARD OF REVIEW	The court reviewed the filing-fee and IFP requirements under 28 U.S.C. §§ 1914(a) and 1915, including whether the complaint plausibly alleged an exception to the PLRA three-strikes bar.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status is unknown and no reporter citation appears.
PARTIES	Steven Wayne Bonilla v. Alameda County, Prosecutors for Good Fellow, John Whitson

TOPICS

PRACTICE AREAS

Prisoner civil rights

Federal civil procedure

In forma pauperis litigation

QUESTIONS PRESENTED

1. Whether the action could proceed when Plaintiff had not paid the filing fee required by 28 U.S.C. § 1914(a) and had not filed a properly supported motion to proceed in forma pauperis.
2. Whether Plaintiff was barred from proceeding in forma pauperis under the PLRA three-strikes provision, 28 U.S.C. § 1915(g).
3. Whether Plaintiff plausibly alleged that he faced imminent danger of serious physical injury so as to qualify for the exception to the PLRA three-strikes bar.

HOLDINGS

1. A civil action may not proceed when the plaintiff has neither paid the required filing fee nor obtained leave to proceed in forma pauperis. Because Bonilla did neither, dismissal was warranted.
2. A prisoner who has accumulated three or more qualifying dismissals may not proceed in forma pauperis in a subsequent civil action unless the prisoner satisfies the imminent-danger exception.
3. Plaintiff did not qualify for the imminent-danger exception because his allegations concerning the arrest warrant, grand-jury subpoena, and discriminatory prosecution did not plausibly allege that he faced imminent danger of serious physical injury when he filed the complaint.

KEY QUOTATIONS

“Accordingly, because Plaintiff has, while incarcerated, accumulated far more than the three strikes permitted by § 1915(g), and he fails to make any plausible allegation that he faced imminent danger of serious physical injury at the time he filed this case, he is not entitled to the privilege of proceeding IFP.” (at 5)

FACTUAL BACKGROUND

Bonilla was incarcerated at California Medical Facility when he filed a § 1983 complaint. He alleged that an arrest warrant was obtained through false information, that there was no federal grand-jury subpoena for evidence presented at his state criminal trial, and that he was the victim of discriminatory prosecution. He sought release from custody, but did not pay the required filing fee or submit a properly supported IFP application.

PROCEDURAL HISTORY

Bonilla filed a civil-rights complaint against Alameda County and the other defendants. He neither paid the \$405 civil filing and administrative fee nor submitted a properly supported IFP motion. The court also determined that he had accumulated more than three PLRA strikes and had not plausibly alleged imminent danger of serious

physical injury. The court dismissed the case and directed the Clerk to close it and accept no further filings other than a timely notice of appeal.

DISPOSITION

dismissed

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Hymas v. U.S. Dep't of the Interior, 73 F.4th 763, 765, 767 (9th Cir. 2023)
- Andrews v. King, 398 F.3d 1113, 1116 n.1, 1119-20 (9th Cir. 2005)
- Moore v. Maricopa Cnty. Sheriff's Office, 657 F.3d 890, 892 (9th Cir. 2011)
- Bruce v. Samuels, 577 U.S. 82, 85 (2016)
- Washington v. Los Angeles Cnty. Sheriff's Dep't, 833 F.3d 1048, 1054 (9th Cir. 2016)
- Tierney v. Kupers, 128 F.3d 1310, 1312 (9th Cir. 1997)
- O'Neal v. Price, 531 F.3d 1146, 1153 (9th Cir. 2008)
- El-Shaddai v. Zamora, 833 F.3d 1036, 1042 (9th Cir. 2016)
- Blakely v. Wards, 738 F.3d 607, 615 (4th Cir. 2013)
- Ray v. Lara, 31 F.4th 692, 701 (9th Cir. 2022)
- In re Steven Bonilla, 2012 WL 216401, at *1, *3 & n.1 (N.D. Cal. Jan. 24, 2012)
- Cervantes, 493 F.3d at 1055
- Rodriguez v. Cook, 169 F.3d 1176, 1180 (9th Cir. 1999)
- Coleman v. Tollefson, 575 U.S. 532, 534 (2015)
- Franklin v. Murphy, 745 F.2d 1221, 1231 (9th Cir. 1984)
- Kim v. Allison, 87 F.4th 994, 998 n.3 (9th Cir. 2023)
- United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)
- Lee v. City of Los Angeles, 250 F.3d 668, 689 (9th Cir. 2001)

OPINION

Bonilla

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 SOUTHERN DISTRICT OF CALIFORNIA

9 10 STEVEN WAYNE BONILLA, Case No.: 25-cv-02583-RBM-VET

CDCR #J-48500,

11

ORDER DISMISSING CIVIL

Plaintiff,

12 ACTION FOR FAILURE TO PAY

vs. FILING FEE REQUIRED BY

13 28 U.S.C. § 1914(a) 14

ALAMEDA COUNTY, PROSECUTORS

15

FOR GOOD FELLOW and JOHN

16 WHITSON,

17 Defendants. 18

19 20 Plaintiff Steven Wayne Bonilla (“Plaintiff”), proceeding pro se and currently 21 incarcerated at California Medical Facility, has filed a civil rights Complaint pursuant to 22 42 U.S.C. § 1983. (Doc. 1.) Plaintiff has not filed a motion to proceed in forma pauperis 23 (“IFP”) in this matter, nor has he paid the initial civil filing fee required by 28 U.S.C. 24 § 1914(a). For the reasons explained below, the Court DISMISSES the case.

25 I. FAILURE TO PAY FILING FEE OR REQUEST IFP STATUS

26 All parties instituting any civil action, suit or proceeding in a district court of the 27 United States, except an application for writ of habeas corpus, must pay a filing fee of 28 \$405, consisting of a \$350 statutory fee plus an additional administrative fee of \$55, 1 although the administrative fee does not apply to persons granted leave to proceed IFP.

2 See 28 U.S.C. § 1914(a) (Judicial Conference Schedule of Fees, District Court Misc. Fee

3 Schedule, § 14 (eff. Dec. 1, 2023)). The action may proceed despite a plaintiff’s failure to 4 prepay the entire fee only if he is granted leave to proceed IFP pursuant to 28 U.S.C. 5 § 1915(a).

See *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); cf. *Hymas v. U.S. Dep’t of the Interior*, 73 F.4th 763, 765 (9th Cir. 2023) (“[W]here [an] IFP application 7 is denied altogether, Plaintiff’s case [cannot] proceed unless and until the fee[s] [a]re 8 paid.”). 9

The Prison Litigation Reform Act (“PLRA”) also requires prisoners to submit a 10 certified copy of their trust fund account statement, or an institutional equivalent) for the 11 6-month period immediately preceding the filing of the complaint. See 28 U.S.C. 12 § 1915(a)(2); *Andrews v. King*, 398 F.3d 1113, 1119 (9th Cir. 2005). “While the previous 13 version of the IFP statute granted courts the authority to waive fees for any person ‘unable 14 to pay[,]’ . . . the PLRA amended the IFP statute to include a carve-out for prisoners: under 15 the current version of the IFP statute, ‘if a prisoner brings a civil action or files an appeal 16 in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee.’” 17 *Hymas*, 73 F.4th at 767 (quoting 28 U.S.C. § 1915(b)(1)). Section 1915(b) “provides a 18 structured timeline for collecting this fee.” *Id.* (citing 28 U.S.C. § 1915(b)(1)–(2)). 19 Plaintiff has not paid the \$405 filing and administrative fee required. He has also 20 failed to file a properly supported motion to proceed IFP. See *Escobedo*, 787 F.3d at 1234. 21 Therefore, his case cannot continue. See 28 U.S.C. § 1914(a); *Andrews*, 493 F.3d at 1051.

22 II. LEAVE TO PROCEED IFP

23 Even if the Court granted Plaintiff leave to file a motion to proceed IFP, however, 24 he is not entitled to that privilege for the reasons set forth below. 25 A. Standard of Review 26 “All persons, not just prisoners, may seek IFP status.” *Moore v. Maricopa Cnty. Sheriff’s Office*, 657 F.3d 890, 892 (9th Cir. 2011). Prisoners, like Plaintiff, however, “face 28 an additional hurdle.” *Id.* In addition to requiring prisoners to “pay the full amount of a 1 filing fee” in installments for the suits or appeals they launch, see *Bruce v. Samuels*, 577 2 U.S. 82, 85 (2016) (citing 28 U.S.C. § 1915(b) (1)–(2)). The PLRA also amended § 1915 3 to preclude the privilege to proceed IFP: 4 . . . if [a] prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United 5 States that was dismissed on the grounds that it is frivolous, malicious, or fails 6 to state a claim upon which relief can be granted, unless the prisoner is under imminent danger of serious physical injury. 7 8 28 U.S.C. § 1915(g). This subdivision is commonly known as the “PLRA’s ‘three strikes’ 9 rule.” *Washington v. Los Angeles Cnty. Sheriff’s Dep’t*, 833 F.3d 1048, 1054 (9th Cir. 10 2016). “Pursuant to § 1915(g), a prisoner with three strikes or more cannot proceed IFP.” 11 *Andrews*, 398 F.3d at 1116 n.1. The PLRA furthers “the congressional goal of reducing 12 frivolous prisoner litigation in federal court.” *Tierney v. Kupers*, 128 F.3d 1310, 1312 (9th 13 Cir. 1997).

14 “Strikes are prior cases or appeals, brought while the plaintiff was a prisoner, which 15 were dismissed on the ground that they were frivolous, malicious, or failed to state a claim,” 16 *Andrews*, 398 F.3d at 1116 n.1 (internal quotations omitted), “even if the district court 17 styles such dismissal as a denial of the prisoner’s application to file the action without 18 prepayment of the full filing fee.” *O’Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008). 19 When courts “review a dismissal to determine whether it counts as a strike, the style of the 20 dismissal or the procedural posture is immaterial. Instead, the central question is whether 21 the dismissal ‘rang the PLRA bells of frivolous, malicious, or failure to state a claim.’” *El- 22 Shaddai v. Zamora*, 833 F.3d 1036, 1042 (9th Cir. 2016) (quoting *Blakely v. Wards*, 738 23 F.3d 607, 615 (4th Cir. 2013)). 24 Once a prisoner has accumulated three strikes, he is prohibited by § 1915(g) from 25 pursuing any other IFP action in federal court unless he can show he is facing “imminent 26 danger of serious physical injury.” See 28 U.S.C. § 1915(g); *Cervantes*, 493 F.3d at 1051– 27 52 (noting § 1915(g)’s exception for IFP complaints which “make[] a plausible allegation 28 that the prisoner faced ‘imminent danger of serious physical injury’ at the time of filing.”) 1 In addition to being “imminent,” that danger must also be “both fairly traceable to unlawful 2 conduct alleged in [the] complaint and redressable by the court.” *Ray v. Lara*, 31 F.4th 3 692, 701 (9th Cir. 2022). 4 B. Discussion 5 The Court has reviewed Plaintiff’s Complaint and finds it does not contain sufficient 6 “plausible allegations” to suggest that he “faced ‘imminent danger of serious physical 7 injury’ at the time of filing.” *Cervantes*, 493 F.3d at 1055 (quoting 28 U.S.C. § 1915(g)). 8 Rather, Plaintiff alleges that his arrest warrant was obtained by false information, there was 9 no federal grand jury subpoena for the evidence presented in his state criminal trial in the 10 Alameda

County Superior Court, and that he is the victim of a discriminatory criminal prosecution. (See Doc. 1 at 1–4.) He seeks to be released from custody. (Id. at 4.) Thus, while Plaintiff has not moved to proceed IFP in this case; it would be futile for him to do so. Defendants typically carry the initial burden to produce evidence demonstrating a prisoner is not entitled to proceed IFP. *Andrews*, 398 F.3d at 1119. However, “in some instances, the district court docket may be sufficient to show that [] prior dismissal[s] satisf[y] at least one of the criteria under § 1915(g)” and therefore count as strikes against him. *Id.* at 1120. That is true here. Based on the dockets of many court proceedings available on PACER,¹ this Court finds that Plaintiff Steven Wayne Bonilla, identified as CDCR #J-48500, while incarcerated, has had dozens of prisoner civil actions or appeals dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. See *In re Steven Bonilla*, 2012 WL 216401, at *1 (N.D. Cal. Jan. 24, 2012) (noting Plaintiff’s litigation history in the Northern District of California).² See *Kim v. Allison*, 87 F.4th 994, 998 n.3 (9th Cir. 2023) (citing *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (noting courts “may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue”); see also *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) (noting that courts may take judicial notice of undisputed “matters of public record”)).³ California, including the dismissal of pro se civil rights actions between June 1 and October 31, 2011, alone, which were dismissed “because the allegations in [his] complaints d[id] not state a claim for relief under § 1983.”; *id.* at *3 (“The following five actions are DISMISSED without prejudice and without leave to amend for failure to state a claim upon which relief may be granted: *Bonilla v. Superior Court of Alameda County*, C 11-6306; *Bonilla v. Alameda County District Attorney’s Office*, C 11-6307; *Bonilla v. California Supreme Court*, C 12-0026; *Bonilla v. Cullen*, C 12-0027; *Bonilla v. California Supreme Court*, C 12-0206.”); *id.* at *3 n.1 (“The Court recently informed Plaintiff that, in accordance with 28 U.S.C. § 1915(g), he no longer qualifies to proceed in forma pauperis in any civil rights action.”) (citing *In re Steven Bonilla*, Nos. C11-3180, et seq. CW (PR), 11 Order of Dismissal at 6:23–7:19)). Accordingly, because Plaintiff has, while incarcerated, accumulated far more than the three strikes permitted by § 1915(g), and he fails to make any plausible allegation that he faced imminent danger of serious physical injury at the time he filed this case, he is not entitled to the privilege of proceeding IFP. See *Cervantes*, 493 F.3d at 1055; *Rodriguez v. Cook*, 169 F.3d 1176, 1180 (9th Cir. 1999) (noting that 28 U.S.C. § 1915(g) “does not prevent all prisoners from accessing the courts; it only precludes prisoners with a history of abusing the legal system from continuing to abuse it while enjoying IFP status”). When a prisoner-litigant “has accumulated three prior dismissals on statutorily enumerated grounds[,] . . . a court may not afford him in forma pauperis status with respect to his additional civil actions.” *Coleman v. Tollefson*, 575 U.S. 532, 534 (2015). This is because “court permission to proceed IFP is itself

a matter of privilege and not right.” Franklin v. 23 Murphy, 745 F.2d 1221, 1231 (9th Cir. 1984).

24 III. CONCLUSION

25 Accordingly, the Court: 26 (1) DISMISSES this case based on Plaintiff’s failure to pay the civil
filing fee 27 required by 28 U.S.C. § 1914(a); and 28 (2) DIRECTS the Clerk of the Court to enter
a final judgment of dismissal, close 1 file, and accept no further documents for filing in this matter
except a timely Notice of 2 || Appeal, which the Court CERTIFIES would not be taken in good
faith pursuant to 28 3 |U.S.C. § 1915(a)(3). 4 IT IS SO ORDERED. 5 || Dated: January 28, 2026
Fe Le ; ? L é >

6 HON. RUTH BERMUDEZ MONTENEGRO

7 UNITED STATES DISTRICT JUDGE

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

NE .. AVNLOI □□□□ WoT