

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Stowers v. Hastey

Stowers · No. 2:25-cv-1110-JDP (P) · Decided April 29, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered plaintiff Alton D. Stowers to explain within 21 days why he should be permitted to proceed in forma pauperis despite an account balance of \$4,601, which appeared sufficient to pay the \$405 filing fee. The court stated that failure to respond would lead to a recommendation that the application be denied and that plaintiff be directed to pay the full filing fee.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 29, 2025
DOCKET	2:25-cv-1110-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a 42 U.S.C. § 1983 action and applied to proceed in forma pauperis. The magistrate judge reviewed plaintiff's trust-fund account statement and ordered him to explain why he should be permitted to proceed without prepaying the filing fee.
PRECEDENTIAL VALUE	Unpublished district-court order; nonprecedential

TOPICS

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

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether plaintiff should be permitted to proceed in forma pauperis despite an account balance indicating that he could pay the filing fee.
2. Whether plaintiff should receive an opportunity to explain why payment of the filing fee would prevent him from affording necessary living expenses.

KEY QUOTATIONS

“An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life.” (1)

FACTUAL BACKGROUND

Plaintiff is a state inmate who sought to proceed in forma pauperis in a § 1983 action. His trust-fund account statement showed an available balance of approximately \$4,601, which the court found was more than sufficient to cover the \$405 filing fee. The court nevertheless allowed plaintiff an opportunity to explain why paying the fee would prevent him from affording life's necessities.

PROCEDURAL HISTORY

Plaintiff, a state inmate, commenced this § 1983 action and simultaneously submitted an application to proceed in forma pauperis. After reviewing the account statement, the court found that plaintiff appeared to have sufficient funds to pay the \$405 filing fee, but gave him twenty-one days to respond before recommending denial of the application.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)

OPINION

(PC) Stowers v. Haste

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ALTON D. STOWERS, Case No. 2:25-cv-1110-JDP (P) 12 Plaintiff, 13 v. ORDER 14
JASON M. HASTEY, et al., 15 Defendants. 16 17 Plaintiff, a state inmate, brings this § 1983
action and concurrently has applied to proceed 18 in forma pauperis, ECF No. 2. I have reviewed
his trust fund account statement, and it appears 19 that he has sufficient funds to cover the filing
fee. His account statement indicates that he has an 20 available balance of \$4,601—more than
enough to cover the \$405 filing fee. Id. But before 21 recommending that plaintiff’s application be

denied, I will give him an opportunity to respond to 22 this order and to explain why he cannot both pay the filing fee and still afford his necessities. See 23 *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) (“An affidavit in support of an IFP 24 application is sufficient where it alleges that the affiant cannot pay the court costs and still afford 25 the necessities of life.”). 26 Accordingly, it is ORDERED that within twenty-one days of this order’s entry plaintiff 27 may respond to this order and explain why he should still be allowed to proceed in forma 28 pauperis. If he fails to do so, I will recommend that plaintiff’s application be denied, and he be 1 | directed to pay the full filing fee. 2 3 IT IS SO ORDERED. 4 (| { ie — Dated: _ April 29, 2025 q——

5 JEREMY D. PETERSON

6 UNITED STATES MAGISTRATE JUDGE

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