

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Jose Arteaga v. M. Palmer and R. Buckel

Arteaga · No. 25-cv-03498-AJB-AHG · Decided January 6, 2026

SUMMARY

The United States District Court for the Southern District of California denied Jose Arteaga’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 civil rights action without prejudice and allowed 45 days to either pay the \$405 filing and administrative fee or submit a properly supported renewed IFP motion.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Anthony J. Battaglia
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 6, 2026
DOCKET	25-cv-03498-AJB-AHG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a prisoner proceeding pro se, filed a 42 U.S.C. § 1983 civil-rights complaint and moved to proceed in forma pauperis. The district court denied the IFP motion and dismissed the action without prejudice for failure to pay the filing fee or provide the required certified trust-account documentation.
STANDARD OF REVIEW	The court applied the statutory requirements governing prisoner applications to proceed in forma pauperis under 28 U.S.C. § 1915(a), including the requirement to submit a certified six-month trust-account statement.
PRECEDENTIAL VALUE	unknown

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should grant a prisoner's motion to proceed in forma pauperis when the motion lacks the certified six-month trust-account statement required by 28 U.S.C. § 1915(a)(2).
2. Whether the action should be dismissed without prejudice when the plaintiff neither pays the filing fee nor submits a complete IFP application.

HOLDINGS

1. A prisoner seeking to proceed in forma pauperis must submit the required financial information, including a certified trust-account statement for the six-month period preceding the filing of the complaint; because Plaintiff did not submit that statement, the court denied the IFP motion.
2. When a prisoner's IFP application is denied, the action may not proceed unless the required filing fees are paid; because Plaintiff neither paid the fees nor submitted a complete IFP application, the action was dismissed without prejudice.

KEY QUOTATIONS

“where [an] IFP application is denied altogether, Plaintiff’s case [cannot] proceed unless and until the fee[s] [a]re paid.” (at 1)

FACTUAL BACKGROUND

Jose Arteaga, a prisoner, filed a civil-rights complaint under 42 U.S.C. § 1983 against M. Palmer and R. Buckel. Instead of paying the civil filing and administrative fees, he filed a motion to proceed in forma pauperis. The motion did not include a certified copy of his prison trust-account statement for the six-month period preceding the filing of the complaint.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint and an IFP motion in lieu of paying the filing fee. The court found the IFP motion incomplete because it lacked a certified trust-account statement for the six-month period preceding the complaint. The court denied IFP, dismissed the action without prejudice, and allowed 45 days to reopen by paying the full \$405 fee or submitting a properly supported renewed IFP motion.

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, 1119 (9th Cir. 2005)

- Bruce v. Samuels, 577 U.S. 82, 84 (2016)
- Taylor v. Delatoore, 281 F.3d 844, 847 (9th Cir. 2002)

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