

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Perrielin Sessions v. Solano County Health and Social Services, et al.

No. 2:25-cv-2936-DAD-CKD PS · No. No. 2:25-cv-2936-DAD-CKD PS · Decided December 16, 2025

SUMMARY

The magistrate judge recommends denying Perrielin Sessions’s renewed application to proceed in forma pauperis because her reported employment income is inconsistent with a finding of poverty. The court nevertheless recommends allowing her to pay the filing and administrative fees in monthly installments of \$50 or more, with summonses to issue after the first payment.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 16, 2025
DOCKET	No. 2:25-cv-2936-DAD-CKD PS
DISPOSITION	other
PROCEDURAL POSTURE	The self-represented plaintiff filed a civil-rights action and renewed her application to proceed in forma pauperis. A magistrate judge issued findings and recommendations addressing the IFP application.
STANDARD OF REVIEW	The court evaluated whether plaintiff's affidavit demonstrated an inability to pay court costs while still affording the necessities of life.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Perrielin Sessions v. Solano County Health and Social Services, Various individual defendants

TOPICS

- civil procedure
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether plaintiff's renewed affidavit established that she was unable to pay the filing and administrative fees while still affording the necessities of life.
2. Whether plaintiff should be permitted to commence the action by paying the required fees in monthly installments despite denial of in forma pauperis status.

HOLDINGS

1. Plaintiff's renewed IFP application should be denied because her reported employment income was inconsistent with a finding that she could not pay court costs while affording the necessities of life.
2. Despite recommending denial of IFP status, the court recommended allowing plaintiff to pay the \$350 filing fee and \$55 administrative fee in monthly installments of \$50 or more, with the first payment due within 14 days after the district court's decision.

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." (at 1)

"Considering plaintiff's employment income, the information in the IFP application is inconsistent with a finding of poverty." (at 2)

FACTUAL BACKGROUND

Plaintiff reported no cash and no funds in checking or savings accounts, and reported that her general expenses used all of her income. She nevertheless reported gross biweekly pay of \$1,651.48 and take-home biweekly pay of \$1,355.45, producing annual gross employment income of \$42,938.48. The court found that income inconsistent with a showing of poverty under the applicable 2025 federal poverty guidelines.

PROCEDURAL HISTORY

Plaintiff brought claims relating to the removal of her minor child from her custody in 2022 and subsequent events. After reviewing plaintiff's renewed IFP application, the magistrate judge recommended denying IFP status based on plaintiff's reported employment income, while permitting payment of the filing and administrative fees in installments. The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

REMAND INSTRUCTIONS

None. The recommendations direct that the IFP motion be denied, that the fees be paid in monthly installments of \$50 or more, that summonses issue after receipt of the first installment, and that failure to pay according to the schedule may result in dismissal under Federal Rule of Civil Procedure 41(b).

CASES CITED

- Escobedo v. Applebee's, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Adkins v. E.I. Du Pont de Nemours & Co., Inc., 335 U.S. 331, 339 (1948)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 n.5 (11th Cir. 2004)
- Moreno on behalf of A.J.M. v. Commissioner of Social Security, No. 1:24-CV-01540-BAM, 2025 WL 394666, at *1 (E.D. Cal. Jan. 27, 2025)
- Jones v. Commissioner of Social Security, No. 1:19-CV-01049-SAB, 2019 WL 11234222, at *2 (E.D. Cal. Aug. 15, 2019)
- Minetti v. Port of Seattle, 152 F.3d 1113, 1114 (9th Cir. 1998)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 PERRIELIN SESSIONS, No. 2:25-cv-2936-DAD-CKD PS 12 Plaintiff, 13
v. FINDINGS AND RECOMMENDATIONS 14 SOLANO COUNTY HEALTH AND 15
SOCIAL SERVICES, et al., 16 Defendants. 17 18 Plaintiff Perrielin Sessions proceeding without
counsel brings claims against Solano 19 County Health and Social Services and various individual
defendants related to the removal of 20 plaintiff's minor child from her custody in 2022 and
subsequent events.

(ECF No. 1.) This matter 21 is before the undersigned pursuant to Local Rule 302(c)(21).
Plaintiff's renewed application to 22 proceed in forma pauperis ("IFP") is before the court. (ECF
No. 4.) 23 To commence a civil action, a plaintiff must ordinarily pay the court costs which
currently 24 consist of a \$350.00 filing fee and \$55.00 administrative fee.

The court may authorize 25 commencement of a civil action "without prepayment of fees" by an
individual who submits an 26 affidavit evidencing an inability to pay such fees. 28 U.S.C. §
1915(a). "An affidavit in support of 27 an IFP application is sufficient where it alleges that the
affiant cannot pay the court costs and still 28 afford the necessities of life." Escobedo v.
Applebee's, 787 F.3d 1226, 1234 (9th Cir.

2015) 1 (citing Adkins v. E.I. Du Pont de Nemours & Co., Inc., 335 U.S. 331, 339 (1948)); see
also 2 United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981) (affidavit must "state the facts
as to 3 affiant's poverty with some particularity, definiteness and certainty" (internal quotation
omitted)). 4 Plaintiff's affidavit does not demonstrate she was unable to pay court costs and still
afford 5 the necessities of life when she filed this suit.

The court recognizes plaintiff reported not having 6 any money in cash or in a checking or savings
account and general expenses that utilize all of her 7 income. (ECF No. 4 at 2.) However, the court

also considers the amount of plaintiff's gross and 8 take-home pay. Plaintiff reports receiving \$1,651.48 in gross pay and \$1,355.45 in take-home pay 9 bi-weekly.

(Id. at 1.) 10 Courts may look to the federal poverty guidelines set by the United States Department of 11 Health and Human Services ("HHS") as a guidepost in evaluating in forma pauperis applications. 12 E.g., *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307 n.5 (11th Cir. 2004).

The HHS 13 poverty guideline for a one-person household in 2025 is \$15,650 and for a two-person household 14 in 2025 is \$21,150. See [https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-](https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-15-guidelines) 15 guidelines. Plaintiff's gross employment income totals \$42,938.48, which is more than two and a 16 half times the poverty guideline level for a one-person household and more than two times the 17 poverty guideline for a two-person household.¹ Considering plaintiff's employment income, the 18 information in the IFP application is inconsistent with a finding of poverty.

See, e.g., *Moreno on 19 behalf of A.J.M. v. Comm'r of Soc. Sec.*, No. 1:24-CV-01540-BAM, 2025 WL 394666, at *1 20 (E.D. Cal. Jan. 27, 2025), report and recommendation adopted sub nom. A.J.M. by & through 21 *Moreno v. Commissioner of Soc. Sec.*, No. 1:24-CV-01540 JLT BAM, 2025 WL 472710 (E.D. 22 Cal. Feb. 12, 2025) (IFP denied where employment income was more than double the applicable 23 poverty guideline); *Jones v. Comm'r of Soc.*

Sec., No. 1:19-CV-01049-SAB, 2019 WL 24 11234222, at *2 (E.D. Cal. Aug. 15, 2019), report and recommendation adopted, No. 1:19-CV- 25 01049-DAD-SAB, 2019 WL 11234224 (E.D. Cal. Oct. 23, 2019) (IFP denied where household 26 income was approximately double the poverty guideline level for a family of two). 27 28 1 Plaintiff reports no current expenses for persons dependent on her for support.

(ECF No. 4 at 2.)] Plaintiffs application to proceed in forma pauperis should be denied. However, because 2 | plaintiff reported having no money in cash or in a checking or savings account, it would be 3 || appropriate for the court to allow plaintiff to commence this case with an initial payment of 4 | \$50.00 and subsequent monthly installments. 5 For the reasons set forth above, IT IS RECOMMENDED as follows: 6 1.

Plaintiffs motion to proceed in forma pauperis (ECF No. 4) be denied; 7 2. Plaintiff be granted leave to satisfy the \$350.00 filing fee and \$55.00 administrative 8 fee in monthly installments of \$50.00 or more, with the first payment due within 14 9 days of the district court's decision on these findings and recommendations and on the 10 first of each month thereafter; 11 3.

The Clerk of the Court be directed to issue summonses after the first installment is 12 received; and 13 4. Plaintiff be warned that failure to satisfy the full filing fee according to the payment 14 schedule may result in dismissal under Federal Rule of Civil Procedure 41(b). 15 These findings

and recommendations are submitted to the United States District Judge 16 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

No objections period is 17 || required for IFP denials, see *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998), but 18 | plaintiff may file written objections to these findings and recommendations within 14 days. Such 19 || a document should be captioned “Objections to Magistrate Judge’s Findings and 20 || Recommendations.” 21 | Dated: December 16, 2025 / ae / 4 [iy ai 23 UNITED STATES MAGISTRATE JUDGE 24 25 26 |g sess25ev2936.ifp.tt 27 28