

**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.

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 any money in cash or in a checking or savings account and general expenses that utilize all of her income. (ECF No. 4 at 2.) However, the court also considers the amount of plaintiff's gross and take-home pay. Plaintiff reports receiving \$1,651.48 in gross pay and \$1,355.45 in take-home pay bi-weekly.

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

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

See, e.g., *Moreno on 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 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 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 income was approximately double the poverty guideline level for a family of two).² 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 plaintiff reported having no money in cash or in a checking or savings account, it would be appropriate for the court to allow plaintiff to commence this case with an initial payment of \$50.00 and subsequent monthly installments. For the reasons set forth above, IT IS RECOMMENDED as follows:

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