

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PRECEDENTIAL VALUE	nonprecedential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)

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