

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Robert D. Johnson v. Ana Mondet, Scott Steadman, H. Mosely, Brian
Wilfong, Ronald Bates, Jessica Lewis, James Hill, Patrick O'Neill

No. 3:25-cv-1150-DMS-BLM, United States District Court for the Southern District of California (July 18,
2025)

SUMMARY

The United States District Court for the Southern District of California denied Robert D. Johnson’s motion to proceed in forma pauperis because he did not provide a certified trust-account statement covering the preceding six months. The court dismissed the civil rights action without prejudice and allowed 45 days to pay the filing fees 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	Dana M. Sabraw
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 18, 2025
DOCKET	3:25-cv-1150-DMS-BLM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a state 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 motion and dismissed the action without prejudice for failure to provide the required certified trust-account information or pay the filing fee.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the statutory requirements for proceeding in forma pauperis as a prisoner.
2. Whether the action should be dismissed without prejudice when Plaintiff failed to pay the filing fee or submit the required certified trust-account statement.

HOLDINGS

1. A prisoner seeking to proceed in forma pauperis must submit an affidavit of assets and a certified copy of the prison trust-account statement for the six-month period preceding the filing of the complaint; failure to provide the certified statement renders the IFP motion incomplete.
2. When a prisoner's IFP motion is denied and the filing fee is not paid, the action cannot proceed and may be dismissed without prejudice, subject to reopening if the plaintiff timely pays the fee or files a properly supported renewed IFP motion.

KEY QUOTATIONS

“The action may proceed despite a failure to pay the entire fee at the time of filing only if the court grants the Plaintiff leave to proceed IFP pursuant to 28 U.S.C. § 1915(a).” (Opinion at 1)

“In short, while prisoners may qualify to proceed IFP without having to pay the full statutory filing upfront, they remain obligated to pay the full amount due in monthly payments.” (Opinion at 1)

“Here, Plaintiff’s IFP motion is incomplete because he has not included a certified copy of his trust account statement for the 6-month period immediately preceding the filing his Complaint.” (Opinion at 2)

FACTUAL BACKGROUND

Robert D. Johnson, a state inmate, filed a civil-rights complaint under 42 U.S.C. § 1983 against multiple defendants. He sought to proceed in forma pauperis instead of paying the required civil filing and administrative fees. His application did not include a certified copy of his trust-account statement for the six-month period preceding the complaint, preventing the court from determining whether an initial partial filing fee was required.

PROCEDURAL HISTORY

The case was originally filed in the United States District Court for the Central District of California and proceeded in the Southern District of California. Plaintiff filed a civil-rights complaint, sought leave to proceed in forma pauperis, and failed to submit a certified trust-account statement for the six-month period preceding the complaint. The court denied IFP status, dismissed without prejudice, and allowed forty-five days to pay the fees or file 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. Department 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)

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