

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)

OPINION

Robert David Johnson v. Ana Mondet

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 ROBERT D. JOHNSON, Case No.: 3:25-cv-1150-DMS-BLM

CDCR #G-05370,

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ORDER: (1) DENYING MOTION

Plaintiff,

13 TO PROCEED IN FORMA

vs. PAUPERIS AND 14

15 (2) DISMISSING CIVIL ACTION

ANA MONDET, SCOTT STEADMAN, H. WITHOUT PREJUDICE FOR

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MOSELY, BRIAN WILFONG, RONALD FAILURE TO PAY FILING FEES

17 BATES, JESSICA LEWIS, JAMES HILL, REQUIRED BY

PATRICK O'NEILL, 28 U.S.C. § 1914(a)

18 Defendants. 19 [ECF No. 2]

20 21 Robert D. Johnson ("Plaintiff"), a state inmate proceeding pro se, has filed a civil 22 rights
complaint pursuant to 42 U.S.C. § 1983.1 ECF No. 1. In lieu of paying the filing fee 23 required
by 28 U.S.C. § 1914(a), Plaintiff has also filed a Motion to Proceed In Forma 24 Pauperis ("IFP")
pursuant to 28 U.S.C. § 1915(a). ECF No. 2. For the reasons discussed 25 below, the Court denies
Plaintiff's IFP motion and dismisses the action without prejudice. 26 27 1 The case was originally
filed in the United States District Court for the Central District of 28

1 I. IFP MOTION

2 All parties instituting any civil action, suit or proceeding in a district court of the 3 United
States, except an application for writ of habeas corpus, must pay a filing fee of 4 \$405.2 See 28

U.S.C. § 1914(a). The action may proceed despite a failure to pay the entire 5 fee at the time of filing only if the court grants the Plaintiff leave to proceed IFP pursuant 6 to 28 U.S.C. § 1915(a). See *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); 7 cf. *Hymas v. U.S. Dep't of the Interior*, 73 F.4th 763, 765 (9th Cir. 2023) (“[W]here [an] 8 IFP application is denied altogether, Plaintiff’s case [cannot] proceed unless and until the 9 fee[s] [a]re paid.”). 10 To proceed IFP, prisoners must “submit[] an affidavit that includes a statement of 11 all assets [they] possess[,]” as well as “a “certified copy of the[ir] trust fund account 12 statement (or institutional equivalent) for . . . the 6-month period immediately preceding 13 the filing of the complaint.” 28 U.S.C. § 1915(a)(1), (2); *Andrews v. King*, 398 F.3d 1113, 14 1119 (9th Cir. 2005). Using this financial information, the court “assess[es] and when funds 15 exist, collect[s], ... an initial partial filing fee,” which is “calculated based on ‘the average 16 monthly deposits to the prisoner’s account’ or ‘the average monthly balance in the 17 prisoner’s account’ over a 6-month term; the remainder of the fee is to be paid in ‘monthly 18 payments of 20 percent of the preceding month’s income credited to the prisoner’s 19 account.’” *Hymas*, 73 F.4th at 767 (quoting 28 U.S.C. § 1915(b)(1)–(2)). In short, while 20 prisoners may qualify to proceed IFP without having to pay the full statutory filing upfront, 21 they remain obligated to pay the full amount due in monthly payments. See *Bruce v. 22 Samuels*, 577 U.S. 82, 84 (2016); 28 U.S.C. § 1915(b)(1) & (2). 23 Here, Plaintiff’s IFP motion is incomplete because he has not included a certified 24 copy of his trust account statement for the 6-month period immediately preceding the filing 25 26 2 In addition to the \$350 statutory fee, civil litigants must pay an additional administrative fee of 27 \$55. See 28 U.S.C. § 1914(a) (Judicial Conference Schedule of Fees, District Court Misc. Fee Schedule, § 14 (eff. Dec. 1, 2023). The additional \$55 administrative fee does not apply to persons 28 1 his Complaint. See 28 U.S.C. § 1915(a)(2); Cal. CivLR 3.2. Without a certified 2 account statement, the Court is unable to assess whether any initial partial filing fee 3 ||may be required to initiate the prosecution of Plaintiff's case. See 28 U.S.C. § 1915(b)(1).

4 II. CONCLUSION AND ORDER

5 Accordingly, the Court: 6 (1) DENIES Plaintiffs Motion to Proceed IFP (ECF No. 2) and DISMISSES the 7 || action without prejudice. See 28 U.S.C. §§ 1915(a) & 1914(a). 8 (2) GRANTS Plaintiff forty-five (45) days from the date this Order to re-open 9 case by either: (a) prepaying the entire \$405 civil filing and administrative fee in one 10 ||lump-sum; or (b) filing a renewed Motion to Proceed IFP, which includes a prison 11 || certificate, signed by a trust accounting official attesting as to his trust account balances 12 deposits and/or a certified copy of his Inmate Statement Report for the 6-month period 13 || preceding the filing of his Complaint pursuant to 28 U.S.C. § 1915(a)(2) and S.D. Cal. 14 || CivLR 3.2(b). 15 If Plaintiff chooses not to comply with this Order by either paying the \$405 civil 16 || filing fee and administrative fee in full by or submitting a properly supported IFP Motion 17 || within forty-five (45) days, this case will remain dismissed without prejudice and without 18 || further order of the Court based on Plaintiff's failure to comply with 28 U.S.C. § 1914(a). 19 (3) DIRECTS to provide Plaintiff with a Court-

approved form “Motion and 20 || Declaration in Support of Motion to Proceed Jn Forma Pauperis.” 21 || IT IS SO ORDERED. 22 ||Dated: July 18, 2025 23 =n yn. Lh, 24 Hon. Dana M. Sabraw 5 United States District Judge 26 27 28

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