

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jacques v. Dobbs

No. 2:24-cv-00478-DJC-EFB (E.D. Cal. May 21, 2025) · No. 2:24-cv-00478-DJC-EFB · Decided May 22, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Plaintiff Michael E. Jacques’s motion to vacate and reopens the § 1983 action. The court construes the motion under Federal Rule of Civil Procedure 59(e), finds no clear evidence that Plaintiff’s inaccurate in forma pauperis application was submitted in bad faith, and requires payment of the \$405 filing fee within 30 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 22, 2025
DOCKET	2:24-cv-00478-DJC-EFB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to vacate an order dismissing her prisoner civil-rights action with prejudice for allegedly misrepresenting her finances in an application to proceed in forma pauperis. The court construed the motion as a motion for reconsideration under Federal Rule of Civil Procedure 59(e) and granted it.
STANDARD OF REVIEW	A motion for reconsideration under Rule 59(e) is reviewed under the extraordinary-remedy standard and is granted only for newly discovered evidence, clear error or manifest injustice, or an intervening change in controlling law; the decision is within the district court's discretion.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order
PARTIES	Michael E. Jacques v. M. Dobbs, et al.

TOPICS

[motion for reconsideration](#)

[prisoners rights](#)

[section 1983](#)

[civil procedure](#)

[costs](#)

PRACTICE AREAS

[Civil procedure](#)

[Prisoner civil rights](#)

[In forma pauperis proceedings](#)

[Federal courts and remedies](#)

QUESTIONS PRESENTED

1. Whether Plaintiff's motion to vacate and belated objections should be construed as a motion for reconsideration under Federal Rule of Civil Procedure 59(e).
2. Whether reconsideration was warranted because the prior dismissal rested on a finding that Plaintiff's IFP misrepresentations were made in bad faith.
3. Whether Plaintiff could proceed without prepaying the filing fee despite the court's finding that she had not adequately demonstrated indigency.

HOLDINGS

1. A motion to vacate filed within ten days after entry of judgment is treated as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e), rather than as a Rule 60(b) motion.
2. Reconsideration was warranted because the record did not clearly establish that Plaintiff's misrepresentations in her IFP application were made in bad faith.
3. Although the court granted reconsideration and reopened the case, Plaintiff was required to pay the \$405 filing fee because she had not made an adequate showing of indigency.

KEY QUOTATIONS

"Reconsideration is an extraordinary remedy and, in the interests of finality and conservation of judicial resources, is used sparingly." (at 2)

"The Court holds that reconsideration is warranted here." (at 3)

FACTUAL BACKGROUND

Plaintiff, a state prisoner proceeding without counsel, filed a § 1983 action and an application to proceed in forma pauperis. The magistrate judge found that she failed to disclose deposits from outside sources into her prison trust account and recommended dismissal with prejudice for a bad-faith misrepresentation. In seeking reconsideration, Plaintiff stated that she owed substantial restitution, believed her income was effectively offset by those obligations, and was unfamiliar with the proper method for completing the IFP application. The district court found no clear evidence that the misrepresentations were made in bad faith, but determined that Plaintiff had not adequately shown indigency.

PROCEDURAL HISTORY

Plaintiff filed this action under 42 U.S.C. § 1983 and applied to proceed in forma pauperis. A magistrate judge recommended dismissal with prejudice under 28 U.S.C. § 1915(e)(2)(A), finding that Plaintiff had failed to disclose deposits into her prison trust account and had acted in bad faith. The district court adopted the

recommendation and entered judgment. Plaintiff then filed a motion to vacate and belated objections, asserting that she misunderstood the IFP application and believed restitution obligations offset outside income. The district court granted reconsideration, reopened the case, and required payment of the \$405 filing fee.

DISPOSITION

other

CASES CITED

- Sch. Dist. No. 1J v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993)
- Am. Ironworks & Erectors, Inc. v. N. Am. Constr. Corp., 248 F.3d 892, 898–99 (9th Cir. 2001)
- Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- 389 Orange St. Partners v. Arnold, 179 F.3d 656, 661 (9th Cir. 1999)
- Jacques v. Hearn, 2:23-cv-02714-DJC-SCR (E.D. Cal. Oct. 15, 2024), ECF No. 9

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF
CALIFORNIA 9 10 MICHAEL E. JACQUES, No. 2:24-cv-00478-DJC-EFB (PC) 11 Plaintiff, 12
v. ORDER 13 M. DOBBS, et al., 14 Defendants. 15 16 Plaintiff, a state prisoner proceeding
without counsel, brought this action 17 pursuant to 42 U.S.C. § 1983 on February 15, 2024. (ECF
No. 1.) Plaintiff filed an 18 application to proceed in forma pauperis (“IFP”) that same day.

(ECF No. 2.) 19 On March 7, 2025, the Magistrate Judge filed Findings and Recommendations 20
recommending this case be dismissed with prejudice under 28 U.S.C. § 1915(e)(2)(A) 21 because
Plaintiff had misrepresented her finances in her IFP application in bad faith. 22 (ECF No. 12.)

In particular, the Magistrate Judge found that Plaintiff had failed to 23 disclose deposits made into
her prison trust account from outside sources yet “stated 24 under penalty of perjury on her IFP
application that she receives no money from any 25 source.” (Id. at 5.)

The Findings and Recommendations contained notice to all Parties 26 that any objections were to
be filed within 14 days. (Id.) No timely objections were 27 filed. On April 18, 2025, this Court
adopted the Findings and Recommendations in 28 1 full and dismissed the case with prejudice.
(ECF No. 13.) Judgment was entered on 2 April 21, 2025. (ECF No. 14.) 3 On April 28, 2025,
Plaintiff filed a Motion to Vacate the Court’s Order 4 dismissing the case with prejudice.

(ECF No. 15.) Plaintiff explained that she could 5 not file timely objections to the Findings and
Recommendations as she was denied 6 access to her facility’s law library to research her case and
was also denied the ability 7 to purchase stamps or envelopes. (Id.) Plaintiff also filed belated
Objections to the 8 Findings and Recommendations, explaining that any misrepresentations in her
IFP 9 application were not made in bad faith because Plaintiff “owed a total amount of 10 \$16,884

in restitution payments” and believed any income she received was eroded 11 by her restitution obligations.

(ECF No. 16.) She also stated she had filed prior IFP 12 applications in the same manner without issue. (Id.) 13 The Court will construe Plaintiff’s Motion to Vacate and accompanying 14 Objections as a Motion for Reconsideration under either Federal Rule of Civil 15 Procedure 59(e) (motion to alter or amend a judgment) or 60(b) (relief from 16 judgment). See Sch.

Dist. No. 1J v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). A 17 motion for reconsideration “is treated as a motion to alter or amend judgment under 18 Federal Rule of Civil Procedure Rule 59(e) if it is filed within ten days of the entry of 19 judgment. Otherwise it is treated as a Rule 60(b) motion for relief from judgment or 20 order.” Am. Ironworks & Erectors, Inc. v. N, Am.

Constr. Corp., 248 F.3d 892, 898–99 21 (9th Cir. 2001). As Plaintiff’s Motion to Vacate and Objections were filed within 10 22 days of the entry of judgment, the Court will analyze them under Rule 59(e). 23 Reconsideration is an extraordinary remedy and, in the interests of finality and 24 conservation of judicial resources, is used sparingly. Kona Enterprises, Inc. v. Estate of 25 Bishop, 229 F.3d 877, 890 (9th Cir.

2000). Under Rule 59(e), “[r]econsideration is 26 appropriate if the district court (1) is presented with newly discovered evidence, 27 (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is 28 an intervening change in controlling law.” Sch. Dist. No. 1J, 5 F.3d at 1263. Whether 1 to grant a motion for reconsideration is within the discretion of the district court.

See 2 389 Orange St. Partners v. Arnold, 179 F.3d 656, 661 (9th Cir. 1999). 3 The Court holds that reconsideration is warranted here. As Plaintiff explains, 4 she owed significant restitution payments which she believed negated any income she 5 received from outside sources and was unfamiliar with the proper method for filling 6 out the IFP application. Given these representations, the Court finds that there is no 7 clear evidence Plaintiff’s misrepresentations in her IFP application were made in bad 8 faith.

The Court notes that a different Magistrate Judge recently examined Plaintiff’s 9 similarly deficient IFP application in another matter before this Court and came to the 10 same conclusion, bolstering this Court’s holding.

In particular, that Magistrate Judge 11 found that Plaintiff had made misrepresentations in her application concerning 12 deposits into her prison trust account, but credited Plaintiff’s explanation that she was 13 unaware of those deposits when she filed the application, thereby declining to find 14 the misrepresentations were made in bad faith. See Jacques v. Hearn, 2:23-cv-02714- 15 DJC-SCR (E.D.

Cal. Oct. 15, 2024), ECF No. 9 (“The undersigned will accept plaintiff’s explanation that plaintiff was not aware of the trust account deposits at issue when [s]he signed the IFP affidavit and constructively filed the complaint. Accepting plaintiff’s explanation, the undersigned will not recommend that this case be dismissed for an untrue allegation of poverty.”).

Thus, given Plaintiff’s representations in her Objections, the Court will grant reconsideration and reopen this case. However, for the reasons stated in the Findings and Recommendations, the Court finds that Plaintiff has made an inadequate showing of indigency.

Accordingly, Plaintiff must pay the court costs in order to proceed with this case. Plaintiff is cautioned, however, that failure to pay the court costs will result in dismissal of this action without prejudice. 1 CONCLUSION 2 In accordance with the above, it is HEREBY ORDERED: 3 1. Plaintiff’s Motion to Vacate (ECF No. 15) is GRANTED; 4 2.

The Clerk of Court is DIRECTED to reopen this case; 5 3. Within thirty (30) days of this Order, Plaintiff shall submit the court costs in the amount of \$405 in order to proceed with this action. Failure to pay 7 this filing fee will result in dismissal of this action; and 8 4. Should Plaintiff pay the filing fee, this action will be referred back the 9 assigned Magistrate Judge for all further pretrial proceedings.

10 IT IS SO ORDERED. 12 | Dated: _May 21, 2025 “Daal J CoO Hon. Daniel alabretta
13 UNITED STATES DISTRICT JUDGE 14 15 16 DJc4 - Jacques24cv478.MotReconsideration
17 18 19 20 21 22 23 24 25 26 27 28