

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PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order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