

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Robert Smyth v. Yeon Lee, M.D.

Smyth v. Lee · No. 1:25-cv-01285-BAM (PC) · Decided September 30, 2025

SUMMARY

The court orders the Clerk to randomly assign a district judge and recommends denying Robert Smyth’s motion to proceed in forma pauperis. The recommendation is based on Plaintiff’s substantial inmate trust-account balance and his stated ability to pay, and directs him to pay the \$405.00 initial filing fee, subject to a fourteen-day objection period.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 30, 2025
DOCKET	1:25-cv-01285-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 filed a motion to proceed in forma pauperis. The magistrate judge issued findings and recommendations that the motion be denied and that Plaintiff be ordered to pay the initial filing fee.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether Plaintiff should be permitted to proceed in forma pauperis based on the balance in his prison trust account and his stated ability and willingness to pay the filing fee.

2. Whether Plaintiff should be required to pay the \$405.00 initial filing fee to proceed with the action.

FACTUAL BACKGROUND

Plaintiff Robert Smyth is a state prisoner who initiated a civil rights action under 42 U.S.C. § 1983. His prison trust account statement showed an available balance of \$35,898.52. The court also noted that Plaintiff repeatedly stated in his application that he would pay the filing fee.

PROCEDURAL HISTORY

Plaintiff initiated this civil rights action on September 29, 2025, and filed an application to proceed in forma pauperis supported by a certified prison trust account statement. The magistrate judge directed the clerk to randomly assign a district judge and recommended denial of in forma pauperis status, subject to the fourteen-day objection period and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ROBERT SMYTH, Case No. 1:25-cv-01285-BAM (PC) 12 Plaintiff,
ORDER DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN DISTRICT JUDGE TO
13 v. ACTION 14 YEON LEE, M.D., FINDINGS AND RECOMMENDATIONS THAT
PLAINTIFF’S MOTION FOR LEAVE 15 Defendant. TO PROCEED IN FORMA PAUPERIS BE
DENIED 16 (ECF No. 2) 17 FOURTEEN (14) DAY DEADLINE 18 19 Plaintiff Robert Smyth
 (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights 20 action pursuant to 42 U.S.C.
 § 1983.

21 Plaintiff initiated this action on September 29, 2025. (ECF No. 1.) Plaintiff also filed a 22
motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, which included a certified 23
copy of his prison trust account statement. (ECF No. 2.) 24 Examination of Plaintiff’s trust
account statement reveals that Plaintiff is able to afford the 25 costs of this action.

Specifically, Plaintiff’s current available balance in his inmate trust account 26 is \$35,898.52.
(ECF No. 2.) In addition, Plaintiff repeatedly states in his application to proceed 27 in forma
pauperis that he will pay the filing the fee. (Id. at pp. 1-3.) 28 Accordingly, the Court HEREBY
ORDERS the Clerk of the Court to randomly assign 1 District Judge to this action.

2 Further, it is HEREBY RECOMMENDED that: 3 1. The motion to proceed in forma pauperis, (ECF No. 2), be DENIED; and 4 2. Plaintiff be ORDERED to pay the \$405.00 initial filing fee in full to proceed with this 5 action. 6 These Findings and Recommendations will be submitted to the United States District 7 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).

Within 8 fourteen (14) days after being served with these Findings and Recommendations, Plaintiff may 9 file written objections with the court. The document should be captioned “Objections to 10 Magistrate Judge’s Findings and Recommendations.” Objections, if any, shall not exceed 11 fifteen (15) pages or include exhibits. Exhibits may be referenced by CM/ECF document 12 and page number if already in the record before the Court.

Any pages filed in excess of the 13 15-page limit may not be considered. Plaintiff is advised that failure to file objections within 14 the specified time may result in the waiver of the “right to challenge the magistrate’s factual 15 findings” on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir.

1991)). 17 IT IS SO ORDERED. 18 19 Dated: September 30, 2025 /s/ Barbara A. McAuliffe _
UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24 25 26 27 28