

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Adam Jay Stone v. Anderson, et al.

Stone v. Anderson · No. 1:21-cv-01461-SAB (PC); appeal No. 25-3589 · Decided June 11, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Adam Jay Stone’s motion to proceed in forma pauperis on appeal. The court found that his inmate trust account contained sufficient funds to pay the \$605 appellate filing fee and directed the Clerk to serve the order on the Ninth Circuit.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 11, 2025
DOCKET	1:21-cv-01461-SAB (PC); appeal No. 25-3589
DISPOSITION	other
PROCEDURAL POSTURE	After judgment was entered for Defendants following a jury trial in a 42 U.S.C. § 1983 action, Plaintiff sought leave to proceed in forma pauperis on appeal.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Adam Jay Stone v. Anderson, et al.

TOPICS

appellate procedure prisoners rights civil procedure

PRACTICE AREAS

civil rights prisoner litigation appellate procedure

QUESTIONS PRESENTED

- Whether Plaintiff demonstrated that he was unable to prepay the appellate filing fee as required for in forma pauperis status.

2. Whether Plaintiff's available inmate-account balance required denial of his motion to proceed in forma pauperis on appeal.

HOLDINGS

1. A prisoner seeking to proceed in forma pauperis on appeal must demonstrate inability to pay the required fees, and the motion may be denied when the prisoner's account contains sufficient funds to prepay the fee.

KEY QUOTATIONS

“Although the Ninth Circuit Court of Appeals has held that “the filing fee ... should not take the prisoner’s last dollar,” Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995), in these circumstances, Plaintiff has sufficient funds to pre-pay the \$605.00 filing fee with money left over.” (2)

FACTUAL BACKGROUND

Following a jury trial in Plaintiff's § 1983 action, judgment was entered for Defendants. Plaintiff sought to appeal and submitted an application to proceed in forma pauperis, supported by an inmate trust-account statement covering November 22, 2024, through May 22, 2025. The statement showed an available balance of \$4,631.18, substantially exceeding the \$605 appellate filing fee.

PROCEDURAL HISTORY

A jury trial resulted in judgment in favor of Defendants. Plaintiff filed a notice of appeal and moved in the district court to proceed in forma pauperis. The district court denied the motion because Plaintiff's inmate trust-account statement showed an available balance of \$4,631.18, sufficient to pay the \$605 appellate filing fee, and directed the Clerk to serve the order on the Ninth Circuit.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiff was ordered to pay the \$605 appellate filing fee, and the Clerk was directed to serve the order on the Ninth Circuit under Federal Rule of Appellate Procedure 24(a)(4).

CASES CITED

- Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995)