

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Andre Murphy, et al. v. Aqua Finance, et al.

Murphy v. Aqua Finance · No. 2:25-cv-02995-DAD-CSK · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of California denied Andre Murphy’s application to proceed in forma pauperis without prejudice because it lacked sufficient information about his income, assets, liabilities, and expenses. The court allowed Murphy to submit a complete application or pay the filing fee and required Murphybey Trust to obtain counsel because a legal entity may not appear pro se.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 8, 2026
DOCKET	2:25-cv-02995-DAD-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff Andre Murphy moved to proceed in forma pauperis in this civil action. The court also addressed the inability of Murphybey Trust, a legal entity, to proceed without counsel.
STANDARD OF REVIEW	The court evaluated whether the IFP application satisfied the disclosure requirements of 28 U.S.C. § 1915(a)(1) and whether the legal-entity plaintiff could proceed without counsel.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Andre Murphy, Murphybey Trust v. Aqua Finance, et al.

TOPICS

- civil procedure
- pleadings
- trusts

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Murphy's application to proceed in forma pauperis contained sufficient financial information to establish inability to pay the filing fee.
2. Whether Murphybey Trust, as a legal entity, could appear and litigate without representation by an attorney.

HOLDINGS

1. An IFP application must provide sufficient detail concerning the applicant's income, assets, liabilities, and expenses to establish eligibility; Murphy's application was insufficient because it omitted material financial information.
2. A legal entity may not appear in the action without representation by an attorney.

KEY QUOTATIONS

“While individuals may appear in propria persona, corporations and other entities may appear only through an attorney; an unrepresented entity cannot file any pleadings, make or oppose any motions, or present any evidence to contest liability.” (at 2)

FACTUAL BACKGROUND

Andre Murphy and Murphybey Trust brought the action pro se. Murphy's IFP application reported gross monthly pay of \$1,200 and take-home pay of \$250 per week, but did not disclose other income received during the preceding twelve months, assets, liabilities, or other monthly expenses. Murphybey Trust appeared without an attorney.

PROCEDURAL HISTORY

Plaintiffs filed this action and Murphy submitted an application to proceed in forma pauperis. The court found the application insufficiently detailed, denied it without prejudice, and allowed Murphy to submit an amended application or pay the filing fee. The court separately granted Murphybey Trust time to retain counsel and required counsel to file a notice of appearance.

DISPOSITION

other

CASES CITED

- *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007)
- *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999)
- *Williams v. County of Ventura*, 443 F. App'x 232, 233 (9th Cir. 2011)
- *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)

- Caveman Foods, LLC v. jAnn Payne's Caveman Foods, LLC, 2015 WL 6736801, at *2 (E.D. Cal. Nov. 4, 2015)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ANDRE MURPHY, et al., Case No. 2:25-cv-02995-DAD-CSK 12 Plaintiffs,
13 v. ORDER DENYING WITHOUT PREJUDICE PLAINTIFF’S REQUEST TO PROCEED 14
AQUA FINANCE, et al., IFP 15 Defendants. (ECF No. 2) 16 17 This action is brought by
Plaintiffs Andre Murphy and Murphybey Trust in pro se.1 18 Plaintiff Andre Murphy seeks leave
to proceed in forma pauperis (“IFP”) pursuant to 28 19 U.S.C. § 1915.

(ECF No. 2.) For the reasons stated below, the Court DENIES Plaintiff 20 Murphy’s request to
proceed IFP without prejudice. 21 I. LEGAL STANDARDS 22 All parties instituting any civil
action, suit or proceeding in any district court of the 23 United States, except an application for
writ of habeas corpus, must pay a filing fee. See 24 28 U.S.C. § 1914(a). An action may proceed
despite a party's failure to pay the filing fee 25 only if the party is granted leave to proceed in
forma pauperis pursuant to 28 U.S.C. 26 § 1915(a).

See *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v.* 27 1 This matter
proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. 28 Civ. P. 72, and Local
Rule 302(c). 1 Cook, 169 F.3d 1176, 1177 (9th Cir. 1999).

To qualify to proceed in forma pauperis, the 2 litigant must submit an affidavit that includes a
statement of all assets they possess. 3 28 U.S.C. § 1915(a)(1). The affidavit must also state that the
person is unable to pay the 4 fees or give security. *Id.* The affidavit must provide “sufficient details
concerning [the 5 applicant’s] income, assets, and expenditures[.]” *Williams v. Cnty. of Ventura*,
443 F. 6 App’x 232, 233 (9th Cir.

2011) (citing *United States v. McQuade*, 647 F.2d 938, 940 (9th 7 Cir. 1981) (an affidavit claiming
poverty in support of a motion made under 8 28 U.S.C. § 1915 must state the relevant facts “with
some particularity, definiteness, and 9 certainty”). 10 II. DISCUSSION 11 A. Plaintiff Murphy’s
IFP Application 12 Plaintiff Murphy’s IFP application indicates he receives a gross pay of \$1,200 a
13 month and a take-home pay of \$250 a week.

ECF No. 2 ¶ 2. However, Plaintiff Murphy 14 has failed to disclose whether he has received other
income during the past 12 months, 15 what his assets and liabilities are, and any other monthly
expenses. *Id.* ¶¶ 3, 5, 6, 8. 16 Because of these omissions, Plaintiff Murphy’s IFP application lacks
sufficient detail to 17 establish that he is entitled to prosecute this case without paying the required
fees.

See 18 *Williams*, 443 F. App’x at 233; see also 28 U.S.C. § 1915(a)(1). Plaintiff Murphy will be 19
provided an opportunity to file an amended IFP application. Therefore, Plaintiff Murphy’s 20

request to proceed in forma pauperis (ECF No. 2) is DENIED without prejudice to its 21 renewal. Plaintiff Murphy is warned that failure to pay the filing fee or submit a complete 22 IFP application with sufficient detail by the prescribed deadline may result in a 23 recommendation that this action be dismissed.

24 B. Pro Se Party Cannot Represent a Legal Entity 25 Plaintiff Murphybey Trust is a legal entity, and as such, must be represented by 26 an attorney and may not appear in this action without counsel. See E.D. Cal. Local Rule 27 183(a) (“A corporation or other entity may appear only by an attorney.”); see also 28 *Caveman Foods, LLC v. jAnn Payne's Caveman Foods, LLC*, 2015 WL 6736801, at *2 1 | (E.D.

Cal. Nov. 4, 2015)(“While individuals may appear in propria persona, corporations 2 | and other entities may appear only through an attorney; an unrepresented entity cannot 3 | file any pleadings, make or oppose any motions, or present any evidence to contest 4 | liability.”). Plaintiff Murphybey Trust is granted thirty (30) days from the date of this order 5 || to retain counsel.

Counsel must promptly file a notice of appearance in this action, no 6 | later than thirty-five (35) days from the date of this order. 7 | Ul. ©CONCLUSION 8 In accordance with the above, IT |S ORDERED that: 9 1. Plaintiff Murphy’s request to proceed in forma pauperis (ECF No. 2) is 10 DENIED without prejudice; 11 2. Plaintiff Murphy must pay the filing fee or file a complete and signed 12 application to proceed IFP within thirty (30) days from the date of this 13 order; and 14 3.

Plaintiff Murphybey Trust is granted thirty (80) days from the date of this 15 order to retain counsel. Counsel must promptly file a notice of appearance 16 in this action, no later than thirty-five (35) days from the date of this order. 17 18 Dated: January 7, 2026 (i s \C 19 GHI 500 KIM UNITED STATES MAGISTRATE JUDGE 20 || 4, murp2995.25 21 22 23 24 25 26 27 28