

**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

OPINION

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

PER CURIAM.

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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 IS 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

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UNITED STATES MAGISTRATE JUDGE

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