

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Darryl Cox v. Cresco Capital, Inc.; et al.

Cox · No. 2:25-cv-02022-CDS-DJA · Decided December 3, 2025

SUMMARY

The United States District Court for the District of Nevada denies Darryl Cox’s application to proceed in forma pauperis without prejudice because the application omits financial information and contains contradictory answers. The Court grants Cox 30 days to submit a complete application or pay the filing fee and directs the Clerk to provide the applicable long-form application.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Daniel J. Albregts
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 3, 2025
DOCKET	2:25-cv-02022-CDS-DJA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff proceeding pro se applied to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1). The district court denied the application without prejudice and allowed plaintiff 30 days to submit a complete application or pay the filing fee.
STANDARD OF REVIEW	The court exercised discretion to determine whether the application demonstrated inability to pay and whether the financial affidavit adequately disclosed the applicant's financial circumstances.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Darryl Cox v. Cresco Capital, Inc.; et al.

TOPICS

- costs
- civil procedure

PRACTICE AREAS

- civil procedure
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Cox's financial affidavit adequately demonstrated that he was unable to pay the filing fee under 28 U.S.C. § 1915(a)(1).
2. Whether the court should deny the in forma pauperis application when it omitted required financial information and contained contradictory answers.

HOLDINGS

1. An applicant seeking in forma pauperis status must provide a complete and sufficiently particular financial affidavit, including personal assets, income sources and amounts, employment information, and applicable expenses; the applicant may not leave questions blank or provide zero or not-applicable answers without explanation.
2. The application must be denied without prejudice because the court could not determine from the incomplete and contradictory application whether Cox qualified for in forma pauperis status.

KEY QUOTATIONS

“The Court thus denies Plaintiff’s application without prejudice.” (Order)

“The applicant’s affidavit must state the facts regarding the individual’s poverty “with some particularity, definiteness and certainty.”” (Discussion)

“Plaintiff must fully answer all applicable questions and check all applicable boxes.” (Order)

FACTUAL BACKGROUND

Cox's in forma pauperis application stated that he received SNAP and Medicaid benefits but did not state the amounts. The application omitted employment histories, left asset and expense questions blank, and contained apparent inconsistencies concerning a spouse, a vehicle, vehicle-related expenses, rent or mortgage expenses, and food and medical expenses.

PROCEDURAL HISTORY

Darryl Cox filed a civil action in the District of Nevada and submitted an application to proceed in forma pauperis. The court found that the application omitted required financial information and contained contradictory responses, denied the application without prejudice, declined to screen the complaint at that time, and ordered Cox either to file an updated application by January 5, 2026, or pay the filing fee.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebee's, 787 F.3d 1226, 1235 (9th Cir. 2015)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)

- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Harper v. San Diego City Admin. Bldg., No. 16-cv-00768 AJB (BLM), 2016 U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016)
- Kennedy v. Huibregtse, 831 F.3d 441, 443-44 (7th Cir. 2016)

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