

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Emma Dunn and Alana Dunn v. Marclite Electrical Corporation, et
al.

Dunn · No. 1:25-cv-00565-JLT-BAM · Decided July 15, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered Plaintiffs Emma Dunn and Alana Dunn to either pay one \$405 filing fee or each submit an application to proceed in forma pauperis within 21 days. The court directed the Clerk to provide two applications and warned that failure to comply would result in a recommendation to dismiss the action.

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	July 15, 2025
DOCKET	1:25-cv-00565-JLT-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed a civil action without paying the filing fee or submitting applications to proceed in forma pauperis. The court issued an order requiring them to pay one filing fee or each submit an in forma pauperis application.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Emma Dunn, Alana Dunn v. Marclite Electrical Corporation, et al.

TOPICS

civil procedure

PRACTICE AREAS

civil procedure in forma pauperis proceedings filing fees

QUESTIONS PRESENTED

1. Whether multiple plaintiffs may proceed without prepaying the filing fee when each plaintiff has not individually demonstrated an inability to pay.
2. What filing-fee or in forma pauperis requirements plaintiffs must satisfy to proceed with the action.

HOLDINGS

1. In a multiple-plaintiff action, the plaintiffs must either pay one filing fee or each submit a sufficient application to proceed in forma pauperis demonstrating an inability to pay.
2. Failure to pay one filing fee or submit completed and signed in forma pauperis applications for both plaintiffs within twenty-one days will result in a recommendation for dismissal.

KEY QUOTATIONS

“Where there are multiple plaintiffs in a single action, the plaintiffs may not proceed in forma pauperis unless all of them demonstrate inability to pay the filing fee.” (at 1)

FACTUAL BACKGROUND

Emma Dunn and Alana Dunn filed this action and were proceeding without counsel. They had not paid the \$405 filing fee and had not submitted applications to proceed in forma pauperis under 28 U.S.C. § 1915. Although the complaint referred to an inability to proceed in forma pauperis, it was unclear whether the statements applied to both plaintiffs, and the financial information was insufficient for the court to determine each plaintiff's eligibility.

PROCEDURAL HISTORY

Plaintiffs commenced the action on May 12, 2025. The court found that neither the \$405 filing fee nor sufficient applications to proceed in forma pauperis had been submitted and ordered plaintiffs to cure the deficiency within twenty-one days, warning that noncompliance would result in a recommendation for dismissal.

DISPOSITION

other

CASES CITED

- Dupont v. Sterling Family Trust, No. 2:23-cv-09785-SVW-AS, 2024 WL 589880, at *1 (C.D. Cal. Jan. 19, 2024)
- Darden v. Indymac Bancorp, Inc., No. CIV S-09-2970 JAM DAD PS, 2009 WL 5206637, at *1 (E.D. Cal. Dec. 23, 2009)