

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Davis v. Sathre

No. 2:25-cv-02597-APG-MDC (D. Nev. Dec. 29, 2025) · No. 2:25-cv-02597-APG-MDC · Decided December 29, 2025

SUMMARY

The United States District Court for the District of Nevada denied Jaimie Davis’s application to proceed in forma pauperis without prejudice because the submitted short-form application contained insufficient and unclear financial information. The court ordered Davis to submit a completed long-form application or pay the \$405 filing fee by January 26, 2026, and struck her duplicate application from the docket.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Maximiliano D. Couvillier, III
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 29, 2025
DOCKET	2:25-cv-02597-APG-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed in forma pauperis in a civil action. The district court denied the application without prejudice, struck a duplicate application, and required plaintiff either to file a compliant long-form application or pay the filing fee.
STANDARD OF REVIEW	The court may conduct a factual inquiry into an applicant's financial status and has discretion to deny an in forma pauperis request when the applicant fails to adequately verify poverty or misrepresents assets.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.
PARTIES	Jaimie Davis v. Curtis J. Sathre, III, et al.

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff's short-form in forma pauperis application provided sufficient information for the court to determine whether she was unable to pay the filing fee.
2. Whether the duplicate in forma pauperis application should be stricken from the docket.

HOLDINGS

1. The court could not determine plaintiff's in forma pauperis status because the application contained material omissions and unexplained financial information; the application was therefore properly denied without prejudice.
2. The duplicate in forma pauperis application was stricken from the docket.

KEY QUOTATIONS

“there is no formula set forth by statute, regulation, or case law to determine when someone is poor enough to earn IFP status.” (1)

“with some particularity, definiteness and certainty.” (1)

FACTUAL BACKGROUND

Plaintiff's short-form application stated that she owned a \$550,000 house subject to a \$521,330 mortgage and incurred approximately \$2,907 in monthly housing-related payments. She reported \$32,430 in credit-card debt, no income, and \$983 in bank accounts, but did not clarify the home's purchase date or current value, explain how she paid her expenses, identify any vehicles or transportation, or answer the question concerning dependents. Plaintiff also filed a duplicate in forma pauperis application.

PROCEDURAL HISTORY

Jaimie Davis filed a short-form application to proceed in forma pauperis and later filed a duplicate application. The court found the original application too vague and deficient to determine plaintiff's financial eligibility, denied it without prejudice, struck the duplicate from the docket, and granted plaintiff until January 26, 2026, to submit a new application or pay the full filing fee.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 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)

- *Marin v. Hahn*, 271 F. App'x 578 (9th Cir. 2008)
- *Kennedy v. Huibregtse*, 831 F.3d 441, 443-44 (7th Cir. 2016)
- *Greco v. NYE Cty. Dist. Judge Robert Lane*, No. 2:15-cv-001370-MMD-PAL, 2016 WL 7493981, at *3 (D. Nev. Nov. 9, 2016)
- *Greco v. Lake*, No. 2:15-cv-001370-MMD-PAL, 2016 WL 7493963 (D. Nev. Dec. 30, 2016)
- *Thomas v. Arn*, 474 U.S. 140, 142 (1985)
- *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991)
- *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 4 Jaimie Davis, Case No. 2:25-cv-02597-APG-MDC 5 Plaintiff, ORDER DENYING PLAINTIFF'S 6 vs. APPLICATION TO PROCEED IN FORMA CURTIS J. SATHRE, III, ET AL., PAUPERIS (ECF NO. 1) AND STRIKING 7 PLAINTIFF'S DUPLICATE APPLICATION 8 Defendants. TO PROCEED IN FORMA PAUPERIS (ECF NO. 5) FROM THE DOCKET 9 10 Plaintiff Jaimie Davis filed a Motion/Application to Proceed In Forma Pauperis ("IFP") (ECF 11 No. 1).

The Court DENIES plaintiff's IFP application without prejudice for the reasons below. Plaintiff 12 must either file a new IFP application OR pay the full filing \$405 fee by January 26, 2026. The Court 13 also STRIKES plaintiff's duplicate IFP application. ECF No. 5. 14 I. GENERAL LEGAL PRINCIPLES 15 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action "without prepayment of fees or 16 security thereof" if the plaintiff submits a financial affidavit that demonstrates the plaintiff "is unable to 17 pay such fees or give security therefor." The Ninth Circuit has recognized that "there is no formula set 18 forth by statute, regulation, or case law to determine when someone is poor enough to earn IFP status." 19 *Escobedo v. Applebees*, 787 F.3d 1226, 1235 (9th Cir.

2015). An applicant need not be destitute to 20 qualify for a waiver of costs and fees, but applicant must demonstrate that because of his or her poverty 21 he or she cannot pay those costs and still provide himself with the necessities of life. *Adkins v. E.I. 22 DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). 23 The applicant's affidavit must state the facts regarding the individual's poverty "with some 24 particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir.

1981) 25 (citation omitted). If an individual is unable or unwilling to verify his or her poverty, district courts have 1 1 the discretion to make a factual inquiry into a plaintiff's financial status and to deny a request to proceed 2 in forma pauperis. See, e.g., *Marin v. Hahn*, 271 Fed.Appx. 578 (9th Cir. 2008) (finding that the district 3 court did not abuse its discretion by denying the plaintiff's request to proceed IFP because he "failed to 4 verify his poverty adequately").

Misrepresentation of assets is sufficient grounds in themselves for 5 denying an in forma pauperis application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441, 443-44 (7th Cir. 6 2016) (affirming dismissal with prejudice after litigant misrepresented assets on in forma pauperis 7 application). 8 The District of Nevada has adopted three types of IFP applications: a “Prisoner Form” for 9 incarcerated persons and a “Short Form” (AO 240) and “Long Form” (AO 239) for non-incarcerated 10 persons.

The Long Form requires more detailed information than the Short Form. The court typically 11 does not order an applicant to submit the Long Form unless the Short Form is inadequate, more 12 information is needed, or it appears that the plaintiff is concealing information about his or her income 13 for determining whether the applicant qualifies for IFP status.

When an applicant is specifically ordered 14 to submit the Long Form, the correct form must be submitted, and the applicant must provide all the 15 information requested in the Long Form so that the court is able to make a fact finding regarding the 16 applicant's financial status. See e.g., *Greco v. NYE Cty. Dist. Judge Robert Lane*, No. 2:15-cv-001370- 17 MMD-PAL, 2016 WL 7493981, at *3 (D.

Nev. Nov. 9, 2016), report and recommendation adopted sub 18 nom. *Greco v. Lake*, No. 2:15-cv-001370-MMD-PAL, 2016 WL 7493963 (D. Nev. Dec. 30, 2016). 19 II. ANALYSIS 20 The Court finds that it cannot determine plaintiff's IFP status at this time. Plaintiff filed a Short 21 Form IFP application (ECF No. 1), but it is vague and contains several deficiencies. Plaintiff claims to 22 own a \$550,000 house, for which she has a \$521,330 mortgage and makes \$2,907 monthly payments 23 related to her house, including the mortgage.

ECF No. 1 at 2. It is unclear, however, if she purchased her 24 home for \$550,000 or if the current value of her home is \$550,000. Plaintiff also did not disclose when 25 2 1 she purchased her home. Plaintiff needs to provide the purchase date of her home and the estimated 2 current value of her home. Plaintiff also claims to have \$32,430 in credit card debt, to not earn any 3 income, and to only have \$983 in her bank accounts.

Id. at 1-2. Plaintiff must provide information 4 explaining how she is able to pay for her listed expenses. Plaintiff additionally does not disclose any 5 vehicles and provides no explanation regarding transportation. Furthermore, plaintiff did not answer 6 Question No. 7 (regarding dependents). Id. at 2.

Therefore, the Court finds it cannot make a 7 determination of plaintiff's IFP status at this time. However, the Court will give plaintiff another 8 opportunity to file her IFP application. If plaintiff wishes to proceed in forma pauperis, plaintiff must 9 complete a new Long Form IFP application responding to the Court's request for clarification and 10 additional information made by this order.

Plaintiff also cannot leave any questions blank. She must 11 provide an explanation for her answers. 12 Plaintiff also filed a duplicate IFP application. ECF No. 5. The Court strikes this duplicate 13 document from the docket. 14 // 15 // 16 // 17 // 18 // 19 // 20 // 21 // 22 // 23 // 24 // 25 3 1 ACCORDINGLY, 2 IT IS ORDERED that: 3 1. Plaintiff's Application to Proceed in Forma Pauperis (ECF No. 1) is DENIED without 4 prejudice.

5 2. Plaintiff must either: (1) file a new IFP application, curing the deficiencies noted in this 6 Order, or (2) pay the full \$405 filing fee by January 26, 2026. 7 3. Failure to timely file a new IFP application may result in a recommendation that this case be 8 dismissed. 9 4. Plaintiff's duplicate Application to Proceed in Forma Pauperis (ECF No. 5) is STRUCK 10 from the docket.

11 IT IS SO ORDERED. 12 DATED: December 29, 2025. fo 13 HonMaximilizo D. Céuvillier, II 4 United States/Magistrate Judge NOTICE (7 15 6 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days.

LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal 9 may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). 1 This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District 33 Court's order and/or appeal factual issues from the order of the District Court.

Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). 05 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any 1 change of address.

The notification must include proof of service upon each opposing party's attorney, 2 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may 3 result in dismissal of the action. 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 5