

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Felice Lazae Martin, et al. v. Michael Castillo, et al.

Martin · No. 1:25-cv-01123-KES-CDB · Decided September 8, 2025

SUMMARY

The United States District Court for the Eastern District of California directs Plaintiff Hector Joseph Borges to complete and file a long-form application to proceed in forma pauperis and directs Plaintiff Felice Lazae Martin to provide supplemental information concerning discrepancies in her application. The court also disregards an improper email transmittal, instructs the plaintiffs to stop submitting correspondence through court email addresses, and provides a 21-day deadline to comply or pay the filing fee.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 8, 2025
DOCKET	1:25-cv-01123-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs initiated a civil-rights action, filed an application to proceed in forma pauperis, and sought a temporary restraining order without paying the filing fee. The court addressed the sufficiency of the IFP submissions and plaintiffs' improper email transmittal of court filings.
STANDARD OF REVIEW	The court applied the requirements of 28 U.S.C. § 1915(a) for proceeding in forma pauperis and noted the mandatory screening requirements of 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Felice Lazae Martin, Hector Joseph Borges v. Michael Castillo, et al.

TOPICS

- civil procedure
- pleadings
- injunctions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiffs could proceed in forma pauperis when one plaintiff had not submitted a separate application and the other plaintiff's financial information appeared incomplete or inconsistent.
2. Whether the court should accept plaintiffs' email transmittal of pleadings and an asserted emergency motion.
3. What procedural steps plaintiffs were required to take to avoid dismissal for failure to comply with a court order and failure to prosecute.

HOLDINGS

1. When multiple plaintiffs seek to proceed in forma pauperis in one action, each plaintiff must submit a separate application and independently qualify for IFP status.
2. An IFP application must provide sufficiently particular, definite, and certain information for the court to determine whether the applicant is entitled to proceed without prepayment of fees; materially conflicting financial information warrants supplemental information before the court rules on IFP status.
3. The court may disregard a pro se party's email transmittal of pleadings or motions when the party has not complied with the court's local filing and service requirements, and the party must desist from sending such communications to chambers or the court's emergency TRO inbox.

KEY QUOTATIONS

“To proceed in forma pauperis is a privilege not a right.” (at 1)

“Thus, each named plaintiff must submit separate applications to proceed as a pauper before a court will grant multiple plaintiffs in forma pauperis status in one action.” (at 1)

“Plaintiffs are directed to forbear from transmitting email communications or pleadings to either the undersigned’s chambers or the Court’s afterhours TRO email inbox.” (at 2)

FACTUAL BACKGROUND

Felice Lazae Martin and Hector Joseph Borges filed a complaint and sought a temporary restraining order without prepaying the filing fee. Borges did not submit an IFP application. Martin reported average monthly income of \$291 and self-employment but left gross monthly pay blank, while documents attached to the complaint appeared to show monthly rent payments of approximately \$2,270 to \$2,350. Martin also transmitted an ex parte email to the court and chambers with an asserted emergency motion concerning electronic filing and ADA accommodation.

PROCEDURAL HISTORY

Plaintiffs filed a complaint and application for a temporary restraining order on September 4, 2025, through the court's after-hours emergency TRO email inbox. Plaintiff Martin submitted an IFP application, but Plaintiff Borges submitted none. The court ordered Borges to file a long-form IFP application, ordered Martin to provide

supplemental information addressing discrepancies in her financial representations, disregarded the email transmittal, and allowed plaintiffs 21 days either to comply or pay the filing fee.

DISPOSITION

other

CASES CITED

- Remmert v. Newsome, No. 1:23-CV-00050-ADA-HBK, 2023 WL 1806277, at *1 (E.D. Cal. Jan. 31, 2023)
- Liang v. Kallis, No. 2:21-cv-0595-JAM-CKD, 2021 WL 1721668, at *1 (E.D. Cal. Apr. 30, 2021)
- Chavez v. Loma Linda Med. Ctr., No. 5:22-cv-01268-SSS (SHKx), 2022 WL 19827571, at *1-2 (C.D. Cal. Aug. 1, 2022)
- Anderson v. California, No. 10 CV 2216 MMA (AJB), 2010 WL 4316996, at *1 (S.D. Cal. Oct. 27, 2010)
- Smart v. Heinze, 347 F.2d 114, 116 (9th Cir. 1965)
- Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000)
- Calhoun v. Stahl, 254 F.3d 845 (9th Cir. 2001)