

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Perrielin Sessions v. Solano County Health and Social Services, et al.

No. 2:25-cv-2936-DAD-CKD (PS) · No. No. 2:25-cv-2936-DAD-CKD (PS) · Decided November 20, 2025

SUMMARY

The United States District Court for the Eastern District of California denies without prejudice Perrielin Sessions’s application to proceed in forma pauperis because the application does not specify the frequency of the plaintiff’s reported pay periods. The court orders the plaintiff, within 30 days, to pay the filing and administrative fees or submit a completed and signed renewed IFP affidavit, warning that failure to do so may result in a recommendation of dismissal.

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	November 20, 2025
DOCKET	No. 2:25-cv-2936-DAD-CKD (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a complaint and an application to proceed in forma pauperis. The court considered the application and denied it without prejudice.
STANDARD OF REVIEW	The court reviewed the sufficiency of the application under 28 U.S.C. § 1915(a), requiring an affidavit demonstrating inability to pay court fees.
PRECEDENTIAL VALUE	Nonprecedential procedural order
PARTIES	Perrielin Sessions v. Solano County Health and Social Services, et al.

TOPICS

civil procedure

PRACTICE AREAS

civil procedure in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether plaintiff's application to proceed in forma pauperis demonstrated an inability to pay the filing and administrative fees under 28 U.S.C. § 1915(a).

HOLDINGS

1. An in forma pauperis application does not demonstrate indigency when the applicant reports income by pay period but fails to identify the frequency of that pay period, leaving the court unable to calculate income.

KEY QUOTATIONS

“An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life.” (1)

“While § 1915(a) does not require a litigant to demonstrate “absolute destitution,” Adkins, 335 U.S. at 339, the applicant must nonetheless show inability to pay.” (1)

FACTUAL BACKGROUND

Plaintiff sought permission to proceed without prepaying court fees. The affidavit reported gross pay of \$2,000 and take-home pay of \$1,500 per pay period, but did not state whether the pay period was monthly, biweekly, or another interval. Because the court could not calculate plaintiff's income from the incomplete information, it found that the affidavit did not demonstrate indigency.

PROCEDURAL HISTORY

Plaintiff initiated the action by filing a complaint and an application to proceed in forma pauperis. The magistrate judge determined that the financial information in the affidavit was incomplete because plaintiff did not identify the frequency of the reported pay periods, preventing the court from calculating income. The application was denied without prejudice, with leave to renew or pay the filing and administrative fees.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Adkins v. E.I. Du Pont de Nemours & Co., Inc., 335 U.S. 331, 339 (1948)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)

OPINION

Perrielin Sessions v. Solano County Health and Social Services, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 PERRIELIN SESSIONS, No. 2:25-cv-2936-DAD-CKD (PS)

12 Plaintiff, 13 v. ORDER 14

SOLANO COUNTY HEALTH AND

15 SOCIAL SERVICES, et al., 16 Defendants. 17 18 19 Plaintiff Perrielin Sessions proceeds
without counsel and seeks to proceed in forma 20 pauperis. This matter is before the undersigned
pursuant to Local Rule 302(c)(21). See 28 U.S.C. 21 § 636(b)(1). Plaintiff initiated this action with
a complaint and an application to proceed in forma 22 pauperis (“IFP”). (ECF Nos. 1, 2.) 23
Presently, the applicable court costs include a \$350.00 filing fee and \$55.00 administrative 24 fee.
The court may authorize the commencement of an action “without prepayment of fees” by an 25
individual who submits an affidavit evidencing an inability to pay such fees. 28 U.S.C. § 1915(a).
26 “An affidavit in support of an IFP application is sufficient where it alleges that the affiant
cannot 27 pay the court costs and still afford the necessities of life.” *Escobedo v. Applebees*, 787
F.3d 1226, 28 1 | 1234 (9th Cir. 2015) (citing *Adkins v. E.I. Du Pont de Nemours & Co., Inc.*, 335
U.S. 331, 339 2 | (1948)); see also *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)
(affidavit must 3 || “state the facts as to affiant’s poverty with some particularity, definiteness and
certainty” (internal 4 || quotation omitted)). 5 According to the plaintiff’s affidavit, plaintiff
receives \$2000.00 in gross pay and 6 || \$1,500.00 in take home pay each pay period. However,
plaintiff did not specify whether the pay 7 || period is monthly, biweekly, or some other frequency.
While § 1915(a) does not require a litigant 8 || to demonstrate “absolute destitution,” *Adkins*, 335
U.S. at 339, the applicant must nonetheless 9 || show inability to pay the fees. 28 U.S.C. § 1915(a).
The current application does not allow the 10 || court to calculate plaintiff’s income and therefore
does not demonstrate indigency. The 11 | application to proceed IFP will be denied without
prejudice to plaintiff re-filing a fully completed 12 || application. In the alternative, plaintiff may
submit the court costs the Clerk of the Court to 13 || proceed with this case. 14 For the reasons set
forth above, IT IS ORDERED as follows: 15 1. Plaintiff’s application to proceed IFP (ECF No. 2)
is DENIED without prejudice to 16 renewal. 17 2. Within thirty (30) days from the date of this
order, plaintiff shall either pay the filing 18 fee and administrative fee or file a fully completed and
signed affidavit to proceed 19 without prepayment of fees. 20 3. Plaintiff is cautioned that failure
to pay the court costs or file a renewed IFP affidavit 21 will result in a recommendation that this
case be dismissed. 22 | Dated: November 20, 2025 / ae / 4 [iy ai

24 UNITED STATES MAGISTRATE JUDGE

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