

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Pittman v. Sanchez

Pittman · No. 25-cv-05263-SVK · Decided July 18, 2025

SUMMARY

The United States District Court for the Northern District of California orders plaintiff Randy Dewayne Pittman to submit a supplemental declaration concerning his application to proceed in forma pauperis. The Court identifies inconsistencies regarding his residency, sources of income, residence, and reported expenses. The supplemental declaration is due by August 15, 2025, and failure to submit it may result in analysis and possible denial of the application as filed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Susan Van Keulen
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 18, 2025
DOCKET	25-cv-05263-SVK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil-rights complaint and an application to proceed in forma pauperis. The court deferred ruling on the application and ordered Plaintiff to submit a supplemental declaration addressing inconsistencies concerning his residency, income, residence, and expenses.
STANDARD OF REVIEW	The court exercises discretion to make a factual inquiry into a plaintiff's claim of poverty when evaluating an application to proceed in forma pauperis.
PRECEDENTIAL VALUE	Unknown

TOPICS

- civil procedure
- first amendment
- fourteenth amendment
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should require a supplemental declaration before deciding Plaintiff's application to proceed in forma pauperis.
2. Whether inconsistencies between Plaintiff's IFP application and complaint justified a factual inquiry into his claimed inability to pay filing fees.

HOLDINGS

1. A court may exercise discretion to make a factual inquiry into a plaintiff's claim of poverty and may require a supplemental declaration when the application and complaint contain inconsistent information relevant to the plaintiff's ability to pay.

KEY QUOTATIONS

"The right to proceed without prepayment of fees in a civil case is a privilege and not a right." (at 1)

"Accordingly, the Court ORDERS Plaintiff to file a supplemental declaration answering the following questions:" (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that he was an Alabama resident and sought to proceed without prepaying filing fees. His IFP application stated that he received \$150 per month in general assistance from Santa Clara County or California and reported no monthly expenses for rent, food, utilities, or clothing. The complaint also alleged that mail connected to the dispute had been returned unopened by the USPS, raising questions about Plaintiff's current residence and how his basic expenses were being paid.

PROCEDURAL HISTORY

On June 23, 2025, Randy Dewayne Pittman filed a complaint seeking injunctive and declaratory relief and damages for alleged First and Fourteenth Amendment violations, together with an application to proceed in forma pauperis. The court found the application technically complete but identified inconsistencies between the application and complaint. It ordered a supplemental declaration by August 15, 2025 and stated that failure to file it could result in denial of IFP status.

DISPOSITION

other

CASES CITED

- *Elmer v. Comm'r of Soc. Sec.*, No. 22-cv-01045-SAB, 2022 WL 5237463, at *1 (E.D. Cal. Sept. 21, 2022)
- *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 198 n.2 (1993)
- *Balik v. City of Cedar Falls*, No. 16-CV-04070-LHK, 2016 WL [citation truncated in source]

- Escobedo v. Applebees, 787 F.3d 1226, 1236 (9th Cir. 2015)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
RANDY DEWAYNE PITTMAN, Case No. 25-cv-05263-SVK 8 Plaintiff, ORDER REGARDING
APPLICATION 9 v. TO PROCEED IN FORMA PAUPERIS 10 YESEMA SANCHEZ, Re: Dkt.
No. 3 11 Defendant. 12 On June 23, 2025, self-represented plaintiff Randy Dewayne Pittman filed
a complaint for 13 injunctive and declaratory relief, as well as compensatory and punitive
damages, against 14 Defendant for alleged violations of his First and Fourteenth Amendment
rights.

Dkt. 1. At the 15 same time, Plaintiff filed an application to proceed in forma pauperis (“IFP”).
Dkt. 3. Having 16 considered the application, the Court determines that it will benefit from a
supplemental 17 declaration filed by Plaintiff to address additional questions. 18 Pursuant to 28
U.S.C. § 1915(a)(1), a court may authorize the commencement of a civil 19 action without
prepayment of fees by a person who submits an affidavit, including a statement of 20 the person’s
assets, that establishes that the person is unable to pay such fees. “The right to 21 proceed without
prepayment of fees in a civil case is a privilege and not a right.” Elmer v. 22 Comm’r of Soc.

Sec., No. 22-cv-01045-SAB, 2022 WL 5237463, at *1 (E.D. Cal. Sept. 21, 2022), 23 report and
recommendation adopted, No. 22-cv-1045-AWI (SAB), 2022 WL 9452375 (E.D. Cal. 24 Oct. 14,
2022) (citing Rowland v. California Men’s Colony, Unit II Men’s Advisory Council, 506 25 U.S.
194, 198 n.2 (1993)).

Although Section 1915(a) “does not itself define what constitutes 26 insufficient assets,” a plaintiff
seeking IFP status “must allege poverty with some particularity, 27 definiteness and certainty.”
Balik v. City of Cedar Falls, No. 16-CV-04070-LHK, 2016 WL 1 Plaintiff’s IFP application is
technically complete, but certain information that appears 2 inconsistent between Plaintiff’s IFP
application and his Complaint raises questions that, at this 3 time, weigh against granting the
application.

It is “within the court’s discretion to make a factual 4 inquiry into a claim of poverty” when
considering a plaintiff’s IFP application. Escobedo v. 5 Applebees, 787 F.3d 1226, 1236 (9th Cir.
2015) (internal citations and quotation marks omitted). 6 Accordingly, the Court ORDERS
Plaintiff to file a supplemental declaration answering the 7 following questions: 8 1.

Plaintiff states that he receives “\$150 per month in general assistance” from either 9 Santa Clara
County or the State of California. Dkt. 3 at 2. However, Plaintiff’s 10 Complaint alleges that he is
“a resident of Alabama.” Dkt. 1, ¶ 6.

Accordingly, 11 Plaintiff shall answer: 12 a. “Were you ever or are you currently a resident of
Santa Clara County or the 13 State of California? If so, identify the dates of residency.” 14 b. “Are

you receiving any money from the State of Alabama or any county 15 therein? If so, how much and how often? 16 2. Plaintiff states that his monthly expenses for “Rent,” “Food,” “Utilities,” and 17 “Clothing” are \$0 each.

However, Plaintiff’s Complaint alleges that the letter 18 precipitating this suit was returned to Mr. Pittman unopened by the USPS (id., ¶ 9), 19 suggesting that Plaintiff has an address. Accordingly, Plaintiff shall answer: 20 a. “Confirm location of your current residence, if any.” 21 b. “Provide a brief explanation of how your rent, food and utilities costs are \$0 22 (for example, are they covered by a third party, such as relatives?)” 23 Plaintiff should submit a supplemental declaration answering the questions above, no later 24 than August 15, 2025.

If Plaintiff does not submit a supplemental declaration, the Court will 25 proceed to analyze Plaintiff’s IFP application as-is, which may result in its denial. 26 //// 27 //// 1 SO ORDERED. 2 || Dated: July 18, 2025 3 Season Yr SUSAN VAN KEULEN 4 United States Magistrate Judge 5 6 7 8 9 10 1] as 12 13 «14 16 17 Oo Z 18 19 20 21 22 23 24 25 26 27 28