

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Pittman v. Sanchez

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

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