

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Robert McMurray v. Corporal Phillips, in his individual capacity;
City of Nampa, Idaho; Nampa Police Department

No. 1:25-cv-00713-BLW, United States District Court for the District of Idaho (March 4, 2026)

SUMMARY

The United States District Court for the District of Idaho denied Robert McMurray’s application to proceed in forma pauperis without prejudice. The court found that his income and available discretionary funds did not establish poverty with sufficient particularity, gave him 28 days to pay the filing fee, and indicated that his § 1983 claims appeared colorable.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	B. Lynn Winmill
JURISDICTION	United States District Court for the District of Idaho
DECIDED	March 4, 2026
DOCKET	1:25-cv-00713-BLW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff applied to proceed in forma pauperis in a newly filed civil-rights action. The district court reviewed the application under 28 U.S.C. § 1915 and denied it without prejudice, allowing plaintiff 28 days to pay the filing fee.
STANDARD OF REVIEW	The granting or denial of leave to proceed in forma pauperis in a civil case is within the sound discretion of the district court.
PRECEDENTIAL VALUE	unpublished district court memorandum decision and order
PARTIES	Robert McMurray v. Corporal Phillips, in his individual capacity, City of Nampa, Idaho, Nampa Police Department

TOPICS

- civil procedure
- civil rights
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether McMurray adequately demonstrated that he was unable to pay the civil filing fee while still affording the necessities of life.
2. Whether the court should grant McMurray leave to proceed in forma pauperis under 28 U.S.C. § 1915.

HOLDINGS

1. McMurray failed to allege poverty with particularity, definiteness, and certainty because his annual household income substantially exceeded the applicable federal poverty guideline and his reported finances left approximately \$600 in monthly discretionary income.
2. The application to proceed in forma pauperis was denied without prejudice, with leave for McMurray to pay the filing fee.

KEY QUOTATIONS

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

“Accordingly, McMurray’s motion is denied without prejudice and with leave to pay the filing fee.”

FACTUAL BACKGROUND

McMurray reported employment at Macy’s in Denver, Colorado, earning \$2,800 per month, or \$33,600 annually. He reported monthly expenses of \$2,196.55, \$160 in a checking account, and a 2012 Nissan Rogue valued at \$3,200, with no debt listed. He identified an eleven-year-old son but did not specify the amount he contributes toward the son’s support.

PROCEDURAL HISTORY

The Clerk conditionally filed the complaint after McMurray submitted an application to proceed in forma pauperis. The district court determined that McMurray had not adequately alleged poverty because his income exceeded the applicable federal poverty guideline and his reported expenses left discretionary income. The court denied the application without prejudice and stated that the case could be dismissed without prejudice if the filing fee was not paid within 28 days.

DISPOSITION

other

CASES CITED

- Rice v. City of Boise City, No. 1:13-cv-00441-CWD, 2013 WL 6385657, at *1 (D. Idaho Dec. 6, 2013)
- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)

- *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)
- *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990)
- *Simerlink v. College of Idaho*, No. 1:25-CV-00157-BLW, 2025 WL 1426438, at *1 (D. Idaho May 15, 2025)
- *Antonio Monterey D. v. O'Malley*, No. 3:3:24-CV-00051-BGS, 2024 WL 1574977, at *1 (S.D. Cal. Mar. 11, 2024)
- *Johnson v. Leokane*, No. 08-00432 ACK-KSC, 2008 WL 4527065, at *3 n.2 (D. Haw. Oct. 9, 2008)

OPINION

ROBERT MCMURRAY v. CORPORAL PHILLIPS, in his individual capacity; CITY OF NAMPA, IDAHO; NAMPA POLICE DEPARTMENT
PER CURIAM.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ROBERT MCMURRAY, Case No. 1:25-cv-00713-BLW Plaintiff, MEMORANDUM DECISION
AND
ORDER

v. CORPORAL PHILLIPS, in his individual capacity; CITY OF
NAMPA, IDAHO; NAMPA POLICE
DEPARTMENT,
Defendants.

INTRODUCTION

Before the Court is Robert McMurray's application to proceed in forma pauperis (Dkt. 1). The Clerk of the Court conditionally filed McMurray's Complaint as a result of his in forma pauperis request (Dkt. 2). Pursuant to 28 U.S.C. § 1915, the Court must review McMurray's application to determine whether he is entitled to proceed in forma pauperis—which permits civil litigants to proceed without prepayment of the filing fee or to pay the filing fee over time. *Rice v. City of Boise City*, No. 1:13-cv-00441-CWD, 2013 WL 6385657, at *1 (D. Idaho Dec. 6, 2013). Because he is filing to proceed in forma pauperis, 28 U.S.C. § 1915(e)(2)(B), the Court may “dismiss the case at any time if the court determines ... the action ... fails to state a claim on which relief may be granted.” Without reaching the substance of his complaint, the Court will deny McMurray's application to proceed in forma pauperis without prejudice.

ANALYSIS

Plaintiffs who wish to pursue civil lawsuits in this district must pay a filing fee. 28 U.S.C. § 1914(a). If plaintiffs wish to avoid that fee, they must submit an affidavit showing they are unable to pay. 28 U.S.C. § 1915(a). “An affidavit in support of an in forma pauperis application is sufficient where it alleges that affiant cannot pay the court costs and still afford the necessities of life.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). The IFP statute does not define what constitutes insufficient funds, but the Ninth Circuit has recognized that “[o]ne need not be

absolutely destitute to obtain benefits of the in forma pauperis statute.” Id. (citing *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)). “[A] plaintiff seeking IFP status must allege poverty with some particularity, definiteness and certainty.” Id. (internal quotation marks omitted). The granting or denial of leave to proceed in forma pauperis in civil cases is within the sound discretion of the district court. *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). McMurray is employed at Macy’s in Denver, Colorado, where he makes \$2,800 a month, or \$33,600 annually. McMurray’s annual household gross income of \$33,600 is significantly higher than the 2024 federal poverty guideline income for a household of one person, which is \$15,960. See 2026 Poverty Guidelines, <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited March 4, 2026). McMurray has one eleven-year-old son but does not specify how much he contributes for his son’s support. His monthly expenses for rent (\$1,800 per month), insurance (\$116.55 per month), utilities (\$100), and gas (\$180 per month) amount to \$2,196.55 a month. He has \$160 in his checking account, and his sole asset is a 2012 Nissan Rogue valued at \$3,200. He lists no debt. This leaves McMurray with approximately \$600 in discretionary income each month. Given that McMurray exceeds the federal poverty level guidelines, and he has \$600 of monthly discretionary income, the Court finds McMurray fails to allege poverty with “particularity, definiteness, and certainty.” See *Simerlink v. Coll. of Idaho*, No. 1:25-CV-00157-BLW, 2025 WL 1426438, at *1 (D. Idaho May 15, 2025) (denying IFP application when the plaintiff’s household income exceeded poverty threshold identified by the Department of Health and Human Services and paying the filing fee would not deprive plaintiff of the necessities of life); *Antonio Monterey D. v. O’Malley*, No. 3:3:24-CV-00051-BGS, 2024 WL 1574977, at *1 (S.D. Cal. Mar. 11, 2024) (denying the plaintiff’s motion to proceed IFP when the plaintiff’s annual gross income of \$24,999.96 was significantly higher than the federal poverty guideline income, and his monthly expenses were \$500 less than his monthly income); *Johnson v. Leokane*, No. 08-00432 ACK-KSC, 2008 WL 4527065, at *3 n.2 (D. Haw. Oct. 9, 2008) (denying plaintiff’s IFP application where the plaintiff’s annual household gross income was \$14,124, which was \$2,164 more than the federal poverty guideline). Accordingly, McMurray’s motion is denied without prejudice and with leave to pay the filing fee. Although the Court did not screen McMurray’s complaint under 28 U.S.C. § 1915 to determine whether he states a claim on which relief may be granted, it appears that McMurray states colorable claims for relief under 42 U.S.C. § 1983 and should be permitted to proceed upon payment of the filing fee.

ORDER

IT IS ORDERED that:

1. Plaintiff Robert McMurray’s application to proceed in forma pauperis (Dkt. 1) is DENIED without prejudice.
2. Plaintiff has 28 days to pay the applicable filing fee. If he does not do so, this case may be dismissed without prejudice and without further notice. ies DATED: March 4,

2026 Gr @, B. Lic U 5 District Court Judge

MEMORANDUM DECISION AND ORDER - 4

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