

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PRECEDENTIAL VALUE	unpublished district court memorandum decision and order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)

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