

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lance Williams v. N. Vera, et al.

Williams v. Vera · No. 1:25-cv-01246-SKO · Decided September 24, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Lance Williams’s application to proceed in forma pauperis in a civil rights action under 42 U.S.C. § 1983. The court finds that Williams demonstrated an inability to pay the filing fee and directs that the complaint be screened pursuant to 28 U.S.C. § 1915(e).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 24, 2025
DOCKET	1:25-cv-01246-SKO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil rights action under 42 U.S.C. § 1983 and applied to proceed in forma pauperis. The district court considered the application before screening the complaint.
STANDARD OF REVIEW	The decision whether to grant or deny an application to proceed without prepayment of fees is committed to the district court's discretion.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated under 28 U.S.C. § 1915(a)(1) that he was unable to pay the filing fee or give security therefor.
2. Whether the Prison Litigation Reform Act's prisoner filing-fee and three-strikes provisions applied to Plaintiff.

HOLDINGS

1. Because Plaintiff was not in custody when he commenced the action and did not indicate that he was incarcerated, the prisoner-specific filing-fee provisions of 28 U.S.C. § 1915(b) and the three-strikes bar in § 1915(c) did not apply.
2. Plaintiff demonstrated that he was unable to pay the filing fee or give security therefor, and his application to proceed in forma pauperis was properly granted.

KEY QUOTATIONS

“The right to proceed without prepayment of fees in a civil case is a privilege and not a right.” (at 2)

“A plaintiff need not be destitute to proceed IFP” (at 2)

“Plaintiff’s application to proceed IFP (Doc. 2) is GRANTED.” (at 3)

FACTUAL BACKGROUND

Plaintiff stated that he was unemployed, received \$220 per month in welfare benefits and \$250 in food stamps, and had only \$2 in cash or financial accounts. He reported that he was homeless or sometimes stayed in hotel rooms, had limited monthly expenses, supported his grandniece when possible, and had a \$53,000 student-loan obligation.

PROCEDURAL HISTORY

Lance Williams commenced the action and filed an application to proceed in forma pauperis on September 22, 2025. The district court granted the application and stated that the complaint would be screened in due course.

DISPOSITION

other

CASES CITED

- Andrews v. King, 398 F.3d 1113, 1122 (9th Cir. 2005)
- Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 198 n.2 (1993)
- Franklin v. Murphy, 745 F.2d 1221, 1231 (9th Cir. 1984)
- Neitzke v. Williams, 490 U.S. 319 (1989)
- Adkins v. E.I. Du Pont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Escobedo v. Applebees, 787 F.3d 1226, 1236 (9th Cir. 2015)

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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 LANCE WILLIAMS, Case No.: 1:25-cv-01246-SKO 12 Plaintiff, ORDER
GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS 13 v. (Doc. 2) 14 N. VERA,
et al., 15 Defendants. 16 17 Plaintiff Lance Williams is appearing pro se in this civil rights action
pursuant to 42 18 U.S.C. § 1983.

Plaintiff commenced this action by filing a complaint and an application to 19 proceed in forma
pauperis (IFP) on September 22, 2025. 20 I. INTRODUCTION 21 The address reflected on
Plaintiff's complaint and his IFP application, a post office box in 22 Tarzana, California, reveals
that Plaintiff was not in custody at the time he commenced this 23 action.¹ (See Docs.

1 at 1 & 2 at 1.) Further, Plaintiff does not indicate he is incarcerated in his 24 IFP application.
(Doc. 2 at 1). Therefore, neither the filing fee provisions of 28 U.S.C. § 1915(b), 25 nor §
1915(c)'s "three strikes" bar apply to this case. See *Andrews v. King*, 398 F.3d 1113, 1122 26 (9th
Cir. 2005). And while Plaintiff may not be subject to the Prison Litigation Reform Act's 27
(PLRA) requirement that a prisoner-plaintiff exhaust administrative remedies and provide copies 1
1 of prisoner trust fund account statements in support of any IFP application, he must otherwise 2
comply with the requirement under 28 U.S.C. § 1915 and Local Rule 121 to submit a financial 3
affidavit in support of his request to proceed IFP.

28 U.S.C. § 1915. 4 II. DISCUSSION 5 To proceed in court without prepayment of the filing fee,
a plaintiff must submit an 6 affidavit demonstrating that he "is unable to pay such fees or give
security therefor." 28 U.S.C. § 7 1915(a)(1).

The right to proceed without prepayment of fees in a civil case is a privilege and not a 8 right.
Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 198 9 n.2
(1993); see *Franklin v. Murphy*, 745 F.2d 1221, 1231 (9th Cir. 1984) ("permission to proceed 10 in
forma pauperis is itself a matter of privilege and not right; denial of in forma pauperis does not 11
violate the applicant's right to due process"), abrogated on other grounds, *Neitzke v. Williams*, 12
490 U.S. 319 (1989).

A plaintiff need not be destitute to proceed IFP and the application is 13 sufficient if it states that
due to poverty, the applicant is unable to pay the costs and still be able to 14 provide himself and
his dependents with the necessities of life. *Adkins v. E.I. Du Pont de 15 Nemours & Co.*, 335 U.S.
331, 339 (1948). Whether to grant or deny an application to proceed 16 without prepayment of
fees is an exercise of the district court's discretion.

See *Escobedo v. 17 Applebees*, 787 F.3d 1226, 1236 (9th Cir. 2015). 18 Here, Plaintiff states he is
unemployed and receives \$220 in monthly welfare benefits and 19 \$250 in food stamps. (Doc. 2 at

1.) He also states he has \$2 in cash, checking or savings accounts, 20 and does not own any automobile, real estate, stock, bond, security, trust, jewelry, artwork, or any 21 other financial instrument or thing of value.

(Id. at 2.) Plaintiff states he is “homeless” and 22 sometimes stays in hotel rooms. (Id.) His regular expenses include “student loans \$1 to \$75 a 23 month, transportation public/uber \$100 a month.” (Id.) Plaintiff further states he provides 24 financial support to his grand niece whenever possible. (Id.)

Finally, Plaintiff states his total 25 student loan obligation is \$53,000. (Id.) 26 The Court finds Plaintiff has made the showing required by section 1915, and the request 27 to proceed IFP will be granted. Plaintiff is advised that the Court is required to screen complaints 1 v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000) (“section 1915(e) applies to all in forma pauperis 2 complaints, not just those filed by prisoners”).

Plaintiff’s complaint will be screened in due 3 course. 4 III. CONCLUSION AND ORDER 5 Based on the foregoing, the Court HEREBY ORDERS that Plaintiff’s application to 6 proceed IFP (Doc. 2) is GRANTED. 7 IT IS SO ORDERED. 8 9 Dated: September 24, 2025 /s/ Sheila K. Oberto. UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27