

**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

OPINION

Vera

PER CURIAM.

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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

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