

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Walker v. United States Congress

Walker · No. 3:25-cv-02064-JES-BLM · Decided October 6, 2025

OPINION

Walker v. United States Congress

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 STEVEN WALKER, Case No.: 3:25-cv-02064-JES-BLM 12 Plaintiff, ORDER: 13 v.

(1) OVERRULING OBJECTION TO

14 UNITED STATES CONGRESS,

ORDER DENYING MOTION TO

15 Defendant. RECONSIDER ORDER DENYING

MOTION TO PROCEED IN FORMA

16 PAUPERIS; and 17

(2) DENYING MOTION TO

18

PROCEED IN FORMA PAUPERIS

19 20 [ECF No. 7] 21 22 On September 11, 2025, the Court denied Plaintiff Steven Walker's
("Plaintiff") 23 motion to reconsider the Court's previous denial of his motion to proceed in forma
pauperis 24 ("IFP"). ECF No. 5. The Court ordered Plaintiff to either pay the filing fee or file a
renewed 25 motion to proceed IFP by September 19, 2025. Id. 26 On September 18, 2025,
Plaintiff filed Objections to the Court's Order Denying the 27 Motion to Reconsider the Order
Denying his Motion to Proceed IFP. ECF No. 6. Plaintiff 28 raises four objections: (1) the IFP
Application form is insufficient and "does not take into 1 consideration Plaintiff's Net Pay," (2)
the Court refused to properly consider his net pay 2 versus his gross pay, (3) the Court refused to
consider that Plaintiff truthfully answered

3 Question 5, and (4) the Court refused to consider the Constitution of the United States as

4 binding authority. ECF No. 6. The Court will address each objection in turn. 5 A. Objection 1 6
Plaintiff argues that the IFP Application which requests average gross monthly 7 income over the
last twelve months is insufficient because it does not consider an 8 individual's net pay. Plaintiff
argues that the Court cannot consider whether an IFP 9 applicant can allege poverty with
"particularity, definiteness, and certainty" as required by 10 the IFP statute. Id. The Court

disagrees. There is a reason the Court asks for average gross 11 monthly income during the past twelve months and income expected the next month. The 12 Court asks for that information to accurately assess whether an individual has the means 13 based on the income they've already received during the past twelve months and whether 14 there are any changes to that income over the next month. Further, net income can be 15 affected by voluntary deductions, that could otherwise be used to pay the filing fee. 16 Regardless, once again Plaintiff submits no legal authority that the Court's IFP application 17 is unconstitutional, and the Court OVERRULES the objection. 18 B. Objection 2 19 Plaintiff argues the Court refused to properly consider his net pay instead of his gross 20 pay. ECF No. 6. That is incorrect. As the Court stated in its Order, "one paystub, from two 21 months ago is insufficient for the Court to determine whether Plaintiff '... cannot pay the 22 court costs and still afford the necessities of life.' Escobedo v. Applebees, 787 F.3d 1226, 23 1234 (9th Cir. 2015)." ECF No. 5. Plaintiff submitted his motion for reconsideration on

24 September 2, 2025. ECF No. 4. The Court is unaware of Plaintiff's net pay for the month 25 of August or September. According to Plaintiff's paystub, he gets paid the first of the 26 month. ECF No. 4-1. Once again, the IFP Application requests the average income for the 27 past twelve months and the next month after submission of the IFP Application. The Court 28 1 needs that information to properly assess Plaintiff's ability to pay the filing fee. Therefore, 2 the Court OVERRULES the objection. 3 C. Objection 3 4 Plaintiff argues the Court was "trying to force Plaintiff to admit to something that is 5 not true." ECF No. 6. Presumably, this involves Plaintiff's vehicle, a 2016 Jeep Wrangler. 6 In his objection, Plaintiff claims that he is not the legal owner of the vehicle because the 7 vehicle is under a lease agreement. ECF No. 6 at 4. However, this contradicts the "Report 8 of Sale – Used Vehicle" and Capital One letter that Plaintiff submitted in his motion for 9 reconsideration. ECF No. 4-2 at 2, 4-3 at 2. Those documents indicate that the vehicle was 10 purchased pursuant to a finance agreement, not a lease agreement. Despite the fact that a 11 bank financed the vehicle, Plaintiff is still the legal owner of the vehicle. He has the right 12 to sale the vehicle at any time he chooses but will still have to pay off the outstanding 13 balance of any loan, similar to the legal owner of a house with an outstanding mortgage. 14 Plaintiff presents no authority that he is not the legal owner of the 2016 Jeep Wrangler. 15 Therefore, the Court OVERRULES the objection. 16 D. Objection 4 17 Plaintiff argues the Court refused to consider the Constitution of the United States 18 as binding authority. ECF No. 6 at 4. Plaintiff appears to argue that the Court cannot require 19 the payment of a filing fee since he is filing this action against the United States 20 government. Plaintiff cites the United States Constitution First Amendment, Article I, 21 section 8, clause 9, and Article III. The First Amendment does not absolve an individual 22 from paying the filing fee in a civil case, it mentions nothing of the sort. Article I, section 23 8, clause 9 gives Congress the power "[t]o constitute Tribunals inferior to the supreme 24 Court," which has nothing to do with paying court filing fees and Article III, which 25 establishes the authority of the judicial branch, contains

nothing about the payment of a 26 filing fee. 27 Further, Plaintiff cites three cases to support his argument, none of which address 28 the payment of a court filing fee. The cases are *Eastern R.R. Presidents Conf. v. Noerr 1 Motor Freight, Inc.*, 365 U.S. 127 (1961); Justice Jackson’s dissenting opinion in *Trump 2 v. Casa*, 606 U.S. 831 (2025); and *Elrod v. Burns*, 427 U.S. 347, 361-362 (1976). *Eastern 3 R.R. Presidents Conf.* does not address the payment of court filing fees. *Trump v. Casa 4* dealt with universal injunctions and the majority did not discuss the payment of filing fees 5 in court cases. Neither did Justice Jackson in her dissenting opinion. Even if Justice Jackson 6 did discuss the payment of filing fees in her dissenting opinion, it is not binding authority. 7 In *Elrod*, the Court dealt with the practice of patronage dismissals and did not remotely 8 discuss the payment of filing fees. Once again Plaintiff submits no authority that actually 9 supports his position. Therefore, the Court **VERRULES** the objection. 10 E. IFP Motion 11 Plaintiff has submitted a new IFP application and Plaintiff lists his average gross 12 monthly income for the past twelve months as \$6,087.72 and for the next month as the 13 same amount. The Court notes this is more than Plaintiff previously listed his average gross 14 monthly income over the past twelve months. Regardless, Plaintiff lists assets of \$17.00 in 15 his checking account, and \$51.00 combined in his savings accounts. Plaintiff lists the 2016 16 Jeep Wrangler and writes in “(72 MONTH LOAN)(DO NOT OWN)” and lists a negative 17 amount of \$34,128.00. This once again disputes Plaintiff’s previous statements that the 18 vehicle was acquired under a lease agreement. It appears the negative amount is the balance 19 of the loan of the vehicle, but not the net value of the vehicle minus the loan, as such, the 20 Court disregards the negative amount listed as inaccurate based on Plaintiff’s mistaken 21 belief that he is not the owner of the vehicle and therefore did not properly list the value of 22 the vehicle. Plaintiff’s monthly gross income and assets available indicate \$6,155.72 and 23 Plaintiff listed \$3,730 in monthly expenses and also listed \$2,003 in average monthly 24 income deductions. However, according to the July paystub Plaintiff previously submitted 25 in his motion for reconsideration (ECF No. 4-1), at least \$100 of that monthly income 26 deduction is a voluntary deduction to a 457 plan, so the Court includes that as a source of 27 income that could be used to pay the court filing fee for one month. Assuming the amounts 28 Plaintiff lists are correct, and excluding the 2016 Jeep Wrangler, his total gross monthly 1 |}income and assets are \$6,255.72 and his total monthly expenses and monthly income 2 ||deductions are \$5,733, leaving him with \$522.72 every month after accounting for all of 3 || his expenses and the necessities of life. Plaintiff is able to afford the one-time court filing 4 || fee of \$405.00 and still afford the necessities of life. 5 Therefore, Plaintiff’s IFP motion is **DENIED**. The Court will not consider any 6 || additional IFP motions or requests for reconsideration. Plaintiff shall have until October 7 ||27, 2025, to pay the filing fee. If Plaintiff does not pay the filing fee by October 27, 2025, 8 Clerk of Court shall dismiss the case without prejudice and terminate the action. 9 **IT IS SO ORDERED**. 10 || Dated: October 6, 2025 Sa— Sin, 12 Honorable James E. Sunmons Jr. B United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

