

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Emma Dunn and Alana Dunn v. Marclite Electrical Corporation
Florida et al.

Dunn v. Marclite Electrical Corp. Fla. · No. 1:25-cv-00565-JLT-BAM · Decided August 6, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends denying Alana Dunn’s application to proceed in forma pauperis. The court concludes that her reported household income, expenses, and assets are inconsistent with an inability to pay the filing fee, and that all plaintiffs in the action must establish eligibility to proceed without prepayment. The recommendation directs Emma Dunn and Alana Dunn to pay the \$405 filing fee and permits objections within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 6, 2025
DOCKET	1:25-cv-00565-JLT-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed a civil action without paying the filing fee. Magistrate Judge McAuliffe issued findings and recommendations recommending denial of Alana Dunn's application to proceed in forma pauperis and requiring plaintiffs to pay one filing fee.
STANDARD OF REVIEW	Whether to grant or deny an application to proceed without prepayment of fees is committed to the district court's discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Emma Dunn, Alana Dunn v. Marclite Electrical Corporation Florida, Acceptance Insurances, Cost-u-Less Insruances, Freeway Insurance, Inifinity Insurances, J&B Heranandez Construction, Kemper Insurance, Social Security Entities

TOPICS

civil procedure

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PRACTICE AREAS

civil procedure

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Alana Dunn demonstrated that she was unable to pay the filing fee as required for in forma pauperis status under 28 U.S.C. § 1915(a)(1).
2. Whether multiple plaintiffs may proceed in forma pauperis when one named plaintiff has not established inability to pay the filing fee.

HOLDINGS

1. Alana Dunn's application did not establish that she was unable to pay the filing fee because the reported household income, expenses, and assets were inconsistent with a finding of poverty.
2. Where multiple plaintiffs proceed in a single action, they may not proceed in forma pauperis unless all named plaintiffs demonstrate inability to pay the filing fee.

KEY QUOTATIONS

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

“Where there are multiple plaintiffs in a single action, the plaintiffs may not proceed in forma pauperis unless all of them demonstrate inability to pay the filing fee.” (at 3)

FACTUAL BACKGROUND

Alana Dunn reported gross household income of \$5,060 per month, including disability or workers' compensation payments, four dependents, substantial monthly expenses, \$66,000 in alleged overpayment obligations, and a 2019 Chevrolet Tahoe valued at \$62,000. The court calculated annual household income of \$60,720, exceeding one and one-half times the 2025 federal poverty guideline for a five-person household. Emma Dunn did not submit an in forma pauperis application.

PROCEDURAL HISTORY

Plaintiffs filed the action on May 12, 2025. The court struck the initial complaint for lack of signatures, after which plaintiffs filed a signed complaint, a First Amended Complaint, and a Second Amended Complaint. The court ordered plaintiffs either to pay the \$405 filing fee or submit individual applications to proceed in forma pauperis. Alana Dunn submitted an application, but Emma Dunn did not. The magistrate judge recommended denying the application and requiring payment of one filing fee, subject to district-judge review after objections.

DISPOSITION

other

CASES CITED

- 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)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Escobedo v. Applebees, 787 F.3d 1226, 1236 (9th Cir. 2015)
- Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 n.5 (11th Cir. 2004)
- Boulas v. United States Postal Serv., No. 1:18-cv-01163-LJO-BAM, 2018 WL 6615075, at *1 (E.D. Cal. Nov. 1, 2018)
- Pogue v. San Diego Superior Ct., No. 17-CV-01091-BAS-JMA, 2017 WL 11094959, at *1 (S.D. Cal. May 30, 2017)
- Darden v. Indymac Bancorp, Inc., No. Civ S-09 2970 JAM DAD PS, 2009 WL 5206637, at *1 (E.D. Cal. Dec. 23, 2009)
- Anderson v. California, No. 10-cv-2216 MMA AJB, 2010 WL 4316996, at *1 (S.D. Cal. Oct. 27, 2010)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)