

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jacques v. Jung

Jacques · No. 2:24-cv-0477-TLN-SCR · Decided June 27, 2025

SUMMARY

The document contains findings and recommendations in a prisoner civil rights action under 42 U.S.C. § 1983. The magistrate judge recommends granting defendants’ motion to dismiss based on alleged material misrepresentations in the plaintiff’s in forma pauperis application and dismissing the action with prejudice under 28 U.S.C. § 1915(e)(2)(A). The parties were given 21 days to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 27, 2025
DOCKET	2:24-cv-0477-TLN-SCR
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 filed an action after being granted in forma pauperis status. Defendants moved to dismiss under 28 U.S.C. § 1915(e)(2)(A), or alternatively to revoke plaintiff's in forma pauperis status, alleging that plaintiff submitted a false and bad-faith affidavit of indigency. The magistrate judge issued findings and recommendations rather than a final order.
STANDARD OF REVIEW	The court reviewed the evidentiary record to determine whether the in forma pauperis application was false and whether the omissions were made in bad faith; dismissal under 28 U.S.C. § 1915(e)(2)(A) is mandatory when the allegation of poverty is untrue.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; not a final disposition unless adopted by the assigned district judge.

TOPICS

- motions to dismiss
- civil procedure
- section 1983
- prisoners rights
- remedies

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

in forma pauperis proceedings

remedies

QUESTIONS PRESENTED

1. Whether plaintiff's in forma pauperis application contained a false allegation of poverty within the meaning of 28 U.S.C. § 1915(e)(2)(A).
2. Whether plaintiff's material omissions were made in bad faith rather than being a mere inaccuracy or oversight.
3. Whether dismissal with prejudice was an appropriate sanction for the false and bad-faith in forma pauperis application.

HOLDINGS

1. Plaintiff submitted a false in forma pauperis application because she failed to disclose funds and assets available to pay the filing fee.
2. Plaintiff's material omissions were made in bad faith, not through a mere inaccuracy or inadvertent error.
3. Dismissal with prejudice was the appropriate sanction for plaintiff's false and bad-faith in forma pauperis application.

KEY QUOTATIONS

"The ability to proceed in federal court without prepayment of the filing fee is a privilege, and not a right." (at 2)

"Therefore, the undersigned concludes that plaintiff's IFP omissions in this case were made in bad faith." (at 5)

"Therefore, the undersigned finds dismissal with prejudice appropriate." (at 6)

FACTUAL BACKGROUND

Plaintiff represented in her January 2024 in forma pauperis application that she had received no money from any source during the preceding twelve months and had no cash or other assets to pay the filing fee. Defendants submitted evidence that plaintiff received substantial funds, including a \$6,000 settlement and additional payments, and that her prison trust account had a balance of \$2,222.08 shortly before she signed the application. The court found that plaintiff knowingly omitted these funds, had extensive experience filing civil rights cases, and offered no explanation for the omissions despite receiving an opportunity to respond.

PROCEDURAL HISTORY

Plaintiff commenced the action on January 22, 2024, with a complaint and an application to proceed in forma pauperis. The court screened the complaint, permitted certain First, Eighth, and Fourteenth Amendment claims to proceed, and granted in forma pauperis status. Defendants later moved to dismiss based on alleged material misrepresentations in the application. Plaintiff did not oppose the motion, and the magistrate judge

recommended dismissal with prejudice and closure of the case, subject to review by the assigned district judge after objections.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. The magistrate judge recommended that defendants' motion be granted, the complaint be dismissed with prejudice under 28 U.S.C. § 1915(e)(2)(A), and the Clerk close the case. The assigned district judge was directed to review the findings and recommendations after any objections.

CASES CITED

- Houston v. Lack, 487 U.S. 266 (1988)
- Jefferson v. United States, 277 F.2d 723, 725 (9th Cir. 1960)
- Rodriguez v. Cook, 169 F.3d 1176, 1179-81 (9th Cir. 1999)
- Harris v. County of Orange, 682 F.3d 1126, 1131-32 (9th Cir. 2012)
- Kennedy v. Huibregtse, Case No. 13-C-004, 2015 WL 13187300, at *2 (E.D. Wis. Nov. 13, 2015), aff'd, 831 F.3d 441 (7th Cir. 2016)
- Rivera v. Drake, 767 F.3d 685, 686 (7th Cir. 2014)
- Escobedo v. Applebees, 787 F.3d 1226, 1234 n.8 (9th Cir. 2015)
- Dawson v. Lennon, 797 F.2d 934, 935-36 (11th Cir. 1986) (per curiam)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)