

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Steven Walker v. United States Congress

No. 3:25-cv-02064-JES-BLM (S.D. Cal. Jan. 5, 2026) · No. 3:25-cv-02064-JES-BLM · Decided January 5, 2026

SUMMARY

The Southern District of California denies Steven Walker’s motion for relief from the order denying his renewed application to proceed in forma pauperis. The court holds that it retains jurisdiction to consider the motion despite Walker’s notice of appeal, but concludes that the motion repeats arguments previously addressed. Because Walker failed to pay the filing fee as ordered, the court dismisses the case without prejudice and denies his motion for a preliminary injunction as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 5, 2026
DOCKET	3:25-cv-02064-JES-BLM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved for relief from the order denying his renewed application to proceed in forma pauperis and moved for a preliminary injunction. After Plaintiff failed to pay the filing fee as ordered, the district court denied relief, denied the injunction motion as moot, and dismissed the case without prejudice.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Steven Walker v. United States Congress

TOPICS

- motion for reconsideration
- appellate jurisdiction
- injunctions
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the filing of Plaintiff's notice of appeal divested the district court of jurisdiction to decide his timely motion for relief under Federal Rule of Civil Procedure 60.
2. Whether Plaintiff was entitled to relief from the order denying his renewed application to proceed in forma pauperis.
3. Whether the action should be dismissed without prejudice for Plaintiff's failure to pay the filing fee as ordered.
4. Whether Plaintiff's motion for a preliminary injunction remained justiciable after dismissal of the action.

HOLDINGS

1. A timely Rule 60 motion covered by Federal Rule of Appellate Procedure 4(a)(4) preserves the district court's jurisdiction to decide the motion notwithstanding a notice of appeal.
2. Plaintiff was not entitled to relief under Rule 60(b)(3) because his motion merely repeated arguments previously raised and identified no new evidence warranting reconsideration.
3. The action was properly dismissed without prejudice because Plaintiff failed to pay the filing fee by the deadline imposed in the court's October 6, 2025 order.
4. The motion for a preliminary injunction was moot after dismissal of the action.

KEY QUOTATIONS

“the filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”
(at 2)

“The Court therefore DISMISSES WITHOUT PREJUDICE the case for failure to comply with the Court’s October 6, 2025, Order.” (at 3)

FACTUAL BACKGROUND

The district court repeatedly denied Plaintiff's applications and reconsideration requests seeking permission to proceed in forma pauperis. In its October 6, 2025 order, the court required Plaintiff to pay the filing fee by October 27, 2025, and warned that failure to do so would result in dismissal. Plaintiff did not pay the fee and instead filed another motion challenging the court's understanding of his vehicle ownership and monthly salary, along with a motion for a preliminary injunction.

PROCEDURAL HISTORY

The court denied Plaintiff's initial and renewed applications to proceed in forma pauperis and ordered him to pay the filing fee by October 27, 2025, warning that failure to do so would result in dismissal. Plaintiff filed a preliminary-injunction motion, a motion under Federal Rule of Civil Procedure 60(b)(3) for relief from the order denying his renewed IFP application, and later a notice of appeal. The district court held that it retained jurisdiction to decide the timely Rule 60 motion, denied that motion, dismissed the action without prejudice for failure to comply with its filing-fee order, and denied the preliminary-injunction motion as moot.

DISPOSITION

dismissed

CASES CITED

- Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58-59 (1982)
- Tripathi v. Henman, 845 F.2d 205, 206 (9th Cir. 1988)
- Sams v. California Department of Corrections and Rehabilitation, No. 5:21-cv-00493-ODW (JDEx), 2025 WL 819063, at *1 (C.D. Cal. Jan. 14, 2025)

OPINION

1 2 3 4 5 6 7 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) DENYING MOTION FOR 14 UNITED STATES CONGRESS, RELIEF
FROM ORDER DENYING 15 Defendant. RENEWED IN FORMA PAUPERIS APPLICATION;
16 17 (2) DENYING MOTION FOR PRELIMINARY INJUNCTION AS 18 MOOT; and 19 (3)
DISMISSING CASE FOR 20 FAILURE TO COMPLY WITH THE 21 COURT’S ORDER 22
[ECF Nos. 9, 10] 23 24 // 25 // 26 // 27 28 1 On August 25, 2025, the Court denied Plaintiff Steven
Walker’s (“Plaintiff”) motion 2 to proceed in forma pauperis (“IFP”).

ECF No. 3. On September 11, 2025, the Court denied 3 Plaintiff’s motion to reconsider the Court’s
previous denial of his motion to proceed IFP. 4 ECF No. 5. On October 6, 2025, the Court
overruled Plaintiff’s Objection to the Order 5 Denying Motion to Reconsider Order Denying
Motion to Proceed IFP and denied 6 Plaintiff’s renewed Motion to Proceed IFP. ECF No. 8.

In the October 6, 2025, Order, the 7 Court cautioned Plaintiff it would not consider any additional
IFP motions or requests for 8 reconsideration and ordered Plaintiff to pay the filing fee by October
27, 2025. Id. at 5.

The 9 Court also cautioned Plaintiff that if he failed to pay the filing fee, the Court would dismiss
10 the case without prejudice and terminate the action. Id. 11 On October 7, 2025, Plaintiff filed a
motion for preliminary injunction. ECF No. 9. 12 On October 20, 2025, Plaintiff filed a motion to
vacate and motion for relief from Order 13 Denying renewed IFP application.

ECF No. 10. Plaintiff cites Federal Rule of Civil 14 Procedure (“FRCP”) 60(b)(3) and argues that
the Court’s rationale for denying the renewed 15 IFP application was based on a mistaken
understanding of the factual record. Id. at 2.

On 16 December 5, 2025, Plaintiff filed a notice of appeal. ECF No. 11. 17 I. DISCUSSION 18 A.
Jurisdiction 19 Generally, “[t]he filing of a notice of appeal is an event of jurisdictional 20
significance—it confers jurisdiction on the court of appeals and divests the district court of 21 its

control over those aspects of the case involved in the appeal.” *Griggs v. Provident 22 Consumer Discount Co.*, 459 U.S. 56, 58 (1982).

Yet, Rule 4 of the Federal Rules of 23 Appellate Procedure, “Appeal as of Right--When Taken,” also provides in relevant part: 24 (a)(4) Effect of a Motion on a Notice of Appeal. 25 (A) If a party files in the district court any of the following motions under the 26 Federal Rules of Civil Procedure--and does so within the time allowed by those rules--the time to file an appeal runs for all parties from the entry of the 27 order disposing of the last such remaining motion: 28 ... 1 (vi) for relief under Rule 60 if the motion is filed within the time allowed for filing a motion under Rule 59; 2 ... 3 (B)(i) If a party files a notice of appeal after the court announces or enters a 4 judgment--but before it disposes of any motion listed in Rule 4(a)(4)(A)--the notice becomes effective to appeal a judgment or order, in whole or in part, 5 when the order disposing of the last such remaining motion is entered.

6 Fed. R. App. P. 4(a)(4). 7 Applying Rule 4(a)(4), both the Supreme Court and Ninth Circuit have held that a 8 district court retains jurisdiction to decide a timely filed motion under Rule 59 regardless 9 of whether the motion was filed before or after a notice of appeal. See *Griggs*, 459 U.S. at 10 59 (“[I]n order to prevent unnecessary appellate review, the district court was given express 11 authority to entertain a timely motion to alter or amend the judgment under Rule 59, even 12 after a notice of appeal had been filed.”), citing Fed.

R. App. P. 4(a)(4); see also *Tripoti v. 13 Henman*, 845 F.2d 205, 206 (9th Cir. 1988) (“Because the purpose of Rule 4(a)(4) is to 14 prevent duplication of effort by the courts, appellate review of the underlying merits of 15 [petitioner’s appeal] would be premature prior to the district court’s consideration of the 16 motion to alter or amend the judgment.”); see also *Sams v. California Department of 17 Corrections and Rehabilitation*, No. 5:21-cv-00493-ODW (JDEx), 2025 WL 819063, at 18 *1 (C.D.

Cal. Jan. 14, 2025) (Since “Plaintiff’s FRCP 59 and FRCP 60 motions remain[ed] 19 pending, Plaintiff’s Notice of Appeal [wa]s not yet effective and accordingly d[id] not 20 divest [the] Court of jurisdiction.”) 21 Because Plaintiff’s motion is timely, the Court therefore retains jurisdiction to decide 22 the instant motion regardless of whether it was filed before or after his notice of appeal.

23 B. Motion for Relief from Judgment 24 Here, Plaintiff’s entire motion repeats arguments raised in his previous motion to 25 reconsider the Court’s denial of his motion to proceed IFP and his Objection to the Order 26 Denying Motion to Reconsider Order Denying Motion to Proceed IFP. See generally ECF 27 Nos. 4, 7. Plaintiff does not raise any new evidence and instead argues that the Court 28 1 ||committed several mistakes in its prior Order Denying his motion to proceed IFP.

The 2 || Court previously addressed these arguments in prior orders regarding the ownership of his 3 || vehicle and his monthly salary. See ECF Nos. 4, 5, 6, 8. Since the Court has previously 4

||addressed these issues in prior orders, as well as a prior motion for reconsideration, the 5 Court declines to address these issues anew. 6 In the Court's October 6, 2025, Order, the Court ordered Plaintiff to pay the filing 7 || fee by October 27, 2025.

ECF No. 8. To date, Plaintiff has not paid the filing fee. The Court 8 || therefore DISMISSES WITHOUT PREJUDICE the case for failure to comply with the 9 || Court's October 6, 2025, Order. Plaintiff's motion for relief from Order Denying Renewed 10 || IFP Application is DENIED and Plaintiff's Motion for Preliminary Injunction is DENIED 11 |} AS MOOT. Plaintiff's appeal will now proceed on this final order.

12 IT IS SO ORDERED. 13 Dated: January 5, 2026 14 Sun, 15 Honorable James E. Sunmons Jr.
16 United States District Judge 17 18 19 20 21 22 23 24 25 26 27 28