

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

**Steven Wayne Bonilla v. Napa County Superior Court and Its Clerk’s
Office; Court Clerks; John Doe 1-1000**

Bonilla v. Napa County Superior Court, No. 25-cv-01607-AJB-LR (S.D. Cal. Aug. 4, 2025) · No. 25-cv-01607-
AJB-LR · Decided August 4, 2025

OPINION

Bonilla v. Napa County Superior Court
PER CURIAM.

1 2 3 4 5

6 UNITED STATES DISTRICT COURT

7 SOUTHERN DISTRICT OF CALIFORNIA

8 9 STEVEN WAYNE BONILLA, Case No.: 25-cv-01607-AJB-LR
CDCR #J-48500,

10

ORDER DISMISSING CIVIL

Plaintiff,

11 ACTION FOR FAILURE TO PAY

vs. FILING FEE REQUIRED BY

12 28 U.S.C. § 1914(a) 13

NAPA COUNTY SUPERIOR COURT

14

AND ITS CLERK’S OFFICE; COURT

15 CLERKS; JOHN DOE 1-1000,

16 Defendants. 17

18 Plaintiff Steven Wayne Bonilla, proceeding pro se and currently incarcerated at 19 California
Medical Facility, has filed a civil rights Complaint pursuant to 42 U.S.C. § 1983. 20 (See Doc. No.
1.) Plaintiff has not filed a motion to proceed in forma pauperis (“IFP”) in 21 this matter, nor has
he paid the initial civil filing fee required by 28 U.S.C. § 1914(a). For 22 the reasons explained
below, the Court DISMISSES the case.

23 I. FAILURE TO PAY FILING FEE OR REQUEST IFP STATUS

24 Any person filing a civil case such as this one must pay a filing fee of \$405. See 28 25 U.S.C. §
1914(a).1 The case may only go forward without the plaintiff paying the entire 26 27 1 In addition
to the \$350 statutory fee, civil plaintiffs must pay an additional administrative fee of 28 1 filing
fee if the court grants him permission to proceed IFP—which means as a person 2 without the

money or resources to afford it. See *Andrews v. Cervantes*, 493 F.3d 1047, 3 1052 (9th Cir. 2007) (“Cervantes”); cf. *Hymas v. U.S. Dep’t of the Interior*, 73 F.4th 763, 4 765 (9th Cir. 2023) (“[W]here [an] IFP application is denied altogether, Plaintiff’s case 5 [cannot] proceed unless and until the fee[s] [a]re paid.”). 6 The statute that sets out the rules for this is 28 U.S.C. § 1915(a). Section 1915(a)(2) 7 requires all persons who want to pursue a case without paying the filing fee to file an 8 affidavit that includes a statement of all assets, or things of value, the plaintiff possesses, 9 and demonstrates his inability to pay the filing fee. See *Escobedo v. Applebees*, 787 F.3d 10 1226, 1234 (9th Cir. 2015). 11 The Prison Litigation Reform Act (“PLRA”) also requires prisoners to submit a 12 certified copy of their trust fund account statement, or an institutional equivalent) for the 13 6-month period immediately preceding the filing of the complaint. See 28 U.S.C. 14 § 1915(a)(2); *Andrews v. King*, 398 F.3d 1113, 1119 (9th Cir. 2005). “While the previous 15 version of the IFP statute granted courts the authority to waive fees for any person ‘unable 16 to pay[,]’ . . . the PLRA amended the IFP statute to include a carve-out for prisoners: under 17 the current version of the IFP statute, ‘if a prisoner brings a civil action or files an appeal 18 in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee.’” 19 *Hymas*, 73 F.4th at 767 (quoting 28 U.S.C. § 1915(b)(1)). Section 1915(b) “provides a 20 structured timeline for collecting this fee.” *Id.*(citing 28 U.S.C. § 1915(b)(1)–(2)). 21 Plaintiff has not paid the \$405 filing and administrative fee required. He has also 22 failed to file a properly supported motion to proceed IFP. See *Escobedo*, 787 F.3d at 1234. 23 Therefore, his case cannot continue. See 28 U.S.C. § 1914(a); *Andrews*, 493 F.3d at 1051. 24 /// 25 /// 26 27 § 14 (eff. Dec. 1, 2023)). The additional \$55 administrative fee does not apply to persons granted leave to 28

1 II. LEAVE TO PROCEED IFP

2 Even if the Court granted Plaintiff leave to file a motion to proceed IFP, however, it 3 finds he is not entitled to that privilege for the reasons set out below. 4 A. Standard of Review 5 “All persons, not just prisoners, may seek IFP status.” *Moore v. Maricopa Cnty. 6 Sheriff’s Office*, 657 F.3d 890, 892 (9th Cir. 2011). Prisoners, like Plaintiff, however, “face 7 an additional hurdle.” *Id.* In addition to requiring prisoners to “pay the full amount of a 8 filing fee” in installments for the suits or appeals they launch, see *Bruce v. Samuels*, 577 9 U.S. 82, 85 (2016) (quoting 28 U.S.C. § 1915(b)(1)–(2)), *Williams v. Paramo*, 775 F.3d 10 1182, 1185 (9th Cir. 2015), the PLRA also amended Section 1915 to preclude the privilege 11 to proceed IFP: 12 . . . if [a] prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United 13 States that was dismissed on the grounds that it is frivolous, malicious, or fails 14 to state a claim upon which relief can be granted, unless the prisoner is under imminent danger of serious physical injury. 15 16 28 U.S.C. § 1915(g). This subdivision is commonly known as the “PLRA’s ‘three strikes’ 17 rule.” *Washington v. L.A. Cnty. Sheriff’s Dep’t*, 833 F.3d 1048, 1054 (9th Cir. 2016). 18 “Pursuant to § 1915(g), a prisoner with three strikes or more cannot proceed IFP.” *Andrews*, 19 398 F.3d at 1116 n.1. The PLRA furthers “the congressional goal of reducing frivolous 20 prisoner litigation in federal court.” *Tierney v. Kupers*, 128 F.3d 1310, 1312

(9th Cir. 1997). 21 “Strikes are prior cases or appeals, brought while the plaintiff was a prisoner, which 22 were dismissed on the ground that they were frivolous, malicious, or failed to state a claim,” 23 Andrews, 398 F.3d at 1116 n.1 (internal quotations omitted), “even if the district court 24 styles such dismissal as a denial of the prisoner’s application to file the action without 25 prepayment of the full filing fee,” O’Neal v. Price, 531 F.3d 1146, 1153 (9th Cir. 2008). 26 When courts “review a dismissal to determine whether it counts as a strike, the style of the 27 dismissal or the procedural posture is immaterial. Instead, the central question is whether 28 the dismissal ‘rang the PLRA bells of frivolous, malicious, or failure to state a claim.’” El- 1 Shaddai v. Zamora, 833 F.3d 1036, 1042 (9th Cir. 2016) (quoting Blakely v. Wards, 738 2 F.3d 607, 615 (4th Cir. 2013)). 3 Once a prisoner has accumulated three strikes, he is prohibited by Section 1915(g) 4 from pursuing any other IFP action in federal court unless he can show he is facing 5 “imminent danger of serious physical injury.” See 28 U.S.C. § 1915(g); Cervantes, 493 6 F.3d at 1051–52 (noting Section 1915(g)’s exception for IFP complaints which “make[] a 7 plausible allegation that the prisoner faced ‘imminent danger of serious physical injury’ at 8 the time of filing.”). In addition to being “imminent,” that danger must also be “both fairly 9 traceable to unlawful conduct alleged in [the] complaint and redressable by the court.” Ray 10 v. Lara, 31 F.4th 692, 701 (9th Cir. 2022). 11 B. Discussion 12 The Court has reviewed Plaintiff’s Complaint and finds it fails to contain any 13 “plausible allegations” to suggest that he “faced ‘imminent danger of serious physical 14 injury’ at the time of filing.” Cervantes, 493 F.3d at 1055 (quoting 28 U.S.C. § 1915(g)). 15 Rather, Plaintiff alleges he was arrested based on a fraudulent arrest warrant affidavit, and 16 is the victim of a conspiratorial and discriminatory Alameda County criminal prosecution. 17 (See Doc. No. 1 at 16–18.) Curiously, however, he seeks to sue the Napa County Superior 18 Court and its Clerk’s Office for subsequently refusing to “void” that conviction. (Id. at 1, 19 3–4.) 20 Thus, while Plaintiff has not moved to proceed IFP in this case; it would be futile 21 for him to do so. Defendants typically carry the initial burden to produce evidence 22 demonstrating a prisoner is not entitled to proceed IFP. Andrews, 398 F.3d at 1119. 23 However, “in some instances, the district court docket may be sufficient to show that [] 24 prior dismissal[s] satisfy[y] at least one on the criteria under § 1915(g)” and therefore count 25 as strikes against him. Id. at 1120. That is true here. 26 /// 27 /// 28 /// 1 Based on the dockets of many court proceedings available on PACER, this Court 2 finds that Plaintiff Steven Wayne Bonilla, identified as CDCR #J-48500, while 3 incarcerated, has had dozens of prisoner civil actions or appeals dismissed on the grounds 4 that they were frivolous, malicious, or failed to state a claim upon which relief may be 5 granted. See In re Steven Bonilla, 2012 WL 216401, at *1 (N.D. Cal. Jan. 24, 2012) (noting 6 Plaintiff’s litigation history in the Northern District of California, including the dismissal 7 of 34 pro se civil rights actions between June 1 and October 31, 2011 alone, which were 8 dismissed “because the allegations in [his] complaints d[id] not state a claim for relief 9 under § 1983.”); id. at *3 (“The following five actions are DISMISSED without prejudice 10 and without leave to amend for failure to state a claim upon which relief may be

granted: 11 Bonilla v. Superior Court of Alameda County, C 11-6306; Bonilla v. Alameda County
12 District Attorney's Office, C 11-6307; Bonilla v. California Supreme Court, C 12-0026; 13
Bonilla v. Cullen, C 12-0027; Bonilla v. California Supreme Court, C 12-0206."); id. at *3 14 n.1
("The Court recently informed Plaintiff that, in accordance with 28 U.S.C. § 1915(g), 15 he no
longer qualifies to proceed in forma pauperis in any civil rights action.") (citing In 16 re Steven
Bonilla, Nos. C11-3180, et seq. CW (PR), Order of Dismissal at 6:23-7:19)). 17 Accordingly,
because Plaintiff has, while incarcerated, accumulated far more than 18 the three strikes permitted
by Section 1915(g), and he fails to make any plausible allegation 19 that he faced imminent
danger of serious physical injury at the time he filed this case, he 20 is not entitled to the privilege
of proceeding IFP. See Cervantes, 493 F.3d at 1055; 21 Rodriguez v. Cook, 169 F.3d 1176, 1180
(9th Cir. 1999) (noting that 28 U.S.C. § 1915(g) 22 "does not prevent all prisoners from accessing
the courts; it only precludes prisoners with 23 a history of abusing the legal system from
continuing to abuse it while enjoying IFP 24 25 26 2 See Kim v. Allison, 87 F.4th 994, 998 n.3
(9th Cir. 2023) (citing United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.,
971 F.2d 244, 248 (9th Cir. 1992) (noting courts "may take 27 notice of proceedings in other
courts, both within and without the federal judicial system, if those proceedings have a direct
relation to matters at issue"); Lee v. City of L.A., 250 F.3d 668, 689 (9th Cir. 28 | status"). When a
prisoner-litigant "has accumulated three prior dismissals on statutorily 2 enumerated grounds[,]...a
court may not afford him in forma pauperis status with respect 3 ||to his additional civil actions."
Coleman v. Tollefson, 575 U.S. 532, 534 (2015). This is 4 ||because "court permission to proceed
IFP is itself a matter of privilege and not right." 5 || Franklin v. Murphy, 745 F.2d 1221, 1231 (9th
Cir. 1984).

6 CONCLUSION

7 Accordingly, the Court: 8 (1) DISMISSES this case based on Plaintiff's failure to pay the civil
filing fee 9 || required by 28 U.S.C. § 1914(a); and 10 (2) DIRECTS the Clerk of the Court to
enter a final judgment of dismissal, close 11 file, and accept no further documents for filing in this
matter except a timely Notice of 12 || Appeal, which the Court CERTIFIES would not be taken in
good faith pursuant to 28 13 ||U.S.C. § 1915(a)(3). 14 IT IS SO ORDERED. 15 ||Dated: August 4,
2025 © 16 Hon, Anthony J.Battaglia 17 United States District Judge 18 19 20 21 22 23 24 25 26
27 28 6