

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michella C. Alfaro Brittany v. Child Support Services, et al.

Alfaro Brittany · No. 2:24-cv-3396-DC-JDP (PS) · Decided May 15, 2025

SUMMARY

The magistrate judge recommends closing the case because the plaintiff failed to pay the filing fee after her application to proceed in forma pauperis was denied and the district judge ordered payment. The findings and recommendations advise the parties of the deadline and potential waiver consequences for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 15, 2025
DOCKET	2:24-cv-3396-DC-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending closure of the action after plaintiff failed to pay the filing fee within the deadline ordered by the district judge.
PRECEDENTIAL VALUE	unpublished

TOPICS

civil procedure

PRACTICE AREAS

civil procedure

QUESTIONS PRESENTED

- Whether the case should be closed because plaintiff failed to pay the filing fee after the district judge denied in forma pauperis status and ordered payment.

KEY QUOTATIONS

“Accordingly, it is RECOMMENDED that the Clerk of Court be directed to close this case for plaintiff’s failure to pay the filing fee.” (at 1)

FACTUAL BACKGROUND

Plaintiff sought to proceed in forma pauperis. The magistrate judge recommended denial of that application, the district judge adopted the recommendation, and plaintiff was ordered to tender the filing fee within twenty-one days. Plaintiff did not pay the fee before the deadline expired.

PROCEDURAL HISTORY

The magistrate judge recommended denying plaintiff’s application to proceed in forma pauperis because plaintiff had not shown insufficient assets. The district judge adopted that recommendation and ordered plaintiff to pay the filing fee within twenty-one days. After the deadline expired without payment, the magistrate judge recommended that the clerk close the case.

DISPOSITION

other

REMAND INSTRUCTIONS

None. The magistrate judge recommended that the clerk be directed to close the case; the recommendation was subject to objections and adoption by the assigned district judge.

CASES CITED

- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHELLA C. ALFARO BRITTANY, Case No. 2:24-cv-3396-DC-JDP
(PS) 12 Plaintiff, 13 v. FINDINGS AND RECOMMENDATIONS 14 CHILD SUPPORT
SERVICES, et al., 15 Defendants. 16 17 On January 28, 2025, I recommended that plaintiff’s
application to proceed in forma 18 pauperis be denied since it failed to demonstrate that plaintiff
had insufficient assets to pay the 19 filing fee and provide the necessities of life.

ECF No. 3. On April 21, 2025, the district judge 20 adopted the findings and recommendations
and ordered plaintiff to tender the filing fee within 21 twenty-one days.1 ECF No. 4. The deadline
to submit the filing fee has expired, and plaintiff has 22 failed to comply. 23 Accordingly, it is
RECOMMENDED that the Clerk of Court be directed to close this case 24 for plaintiff’s failure to
pay the filing fee.

25 These findings and recommendations are submitted to the United States District Judge 26
assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
27 1 The district judge also referred the matter back to the undersigned for all further pre-trial 28
proceedings. ECF No. 4. 1 | service of these findings and recommendations, any party may file
written objections with the 2 | court and serve a copy on all parties.

Any such document should be captioned “Objections to 3 | Magistrate Judge’s Findings and
Recommendations,” and any response shall be served and filed 4 | within fourteen days of service
of the objections. The parties are advised that failure to file 5 || objections within the specified time
may waive the right to appeal the District Court’s order. See 6 | Turner v. Duncan, 158 F.3d 449,
455 (9th Cir.

1998); Martinez v. Yist, 951 F.2d 1153 (9th Cir. 7 | 1991). 8 | IT IS SO ORDERED. 9 / 10 | Dated:
_ May 15, 2025 _ pene Wns JEREMY D., PETERSON UNITED STATES MAGISTRATE
JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28