

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Marroquin v. Gordon

No. 25-cv-1075-RSH-DEB (S.D. Cal. June 11, 2025) · No. 25-cv-1075-RSH-DEB · Decided June 11, 2025

SUMMARY

The U.S. District Court for the Southern District of California denied Frank Anthony Marroquin’s renewed motion to proceed in forma pauperis because his application did not sufficiently establish inability to pay. The court also determined that the complaint, which sought reinstatement of a California driver’s license through mandamus, would fail mandatory screening because a federal district court cannot issue mandamus directing state officials, and dismissed the action.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 11, 2025
DOCKET	25-cv-1075-RSH-DEB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a civil action and sought leave to proceed in forma pauperis. After denying his initial IFP application, the court considered his renewed application and screened the complaint under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(a)(1), the plaintiff must submit an affidavit showing inability to pay the filing fee, alleging poverty with particularity, definiteness, and certainty. Under 28 U.S.C. § 1915(e)(2) (B), an IFP complaint is subject to sua sponte dismissal if it is frivolous, malicious, or fails to state a claim.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- civil procedure
- administrative law
- remedies
- federalism

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff's renewed affidavit established that he was unable to pay the filing fee and therefore qualified to proceed in forma pauperis.
2. Whether the complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) because it sought federal mandamus relief against a state official.
3. Whether a federal district court may issue mandamus directing a state agency or state official to reinstate a driver's license.

HOLDINGS

1. Plaintiff's renewed IFP application was insufficient because it did not allege poverty with enough particularity, definiteness, and certainty to show that he could not pay the filing fee while meeting life's necessities.
2. The complaint was dismissed because, even if IFP status were granted, it would fail mandatory screening under 28 U.S.C. § 1915(e)(2)(B).

KEY QUOTATIONS

“Nonetheless, “a plaintiff seeking IFP status must allege poverty ‘with some particularity, definiteness and certainty.’” (1)

“However, “[f]ederal district courts are without power to issue mandamus to direct state official[s] in the performance of their duties.” (2)

“To the extent that plaintiff has any mandamus remedy, it lies in state court.” (2)

FACTUAL BACKGROUND

Plaintiff stated that he lived with his father and received a \$20 monthly gift as his only income, which he used for necessities. He reported spending \$10 monthly on personal items and appeared to receive EBT assistance, but did not identify the amount and improperly listed EBT as an expense. His complaint sought clarification of the conditions for reinstating his California driver's license or a federal writ of mandamus compelling the California DMV to reinstate it.

PROCEDURAL HISTORY

Plaintiff commenced the action on April 28, 2025, and filed an initial IFP motion that the court denied on April 30, 2025. Plaintiff then filed an amended IFP motion. The court denied the renewed motion because the financial information did not establish inability to pay with sufficient particularity and dismissed the action after concluding that the complaint would fail mandatory IFP screening.

DISPOSITION

dismissed

CASES CITED

- Moore v. Maricopa Cnty. Sheriff's Office, 657 F.3d 890, 892 (9th Cir. 2011)
- Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999)
- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Jefferson v. United States, 277 F.2d 723, 725 (9th Cir. 1960)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000)
- Biesenbach v. City & Cnty. of San Francisco, No. 25-CV-01277-TLT, 2025 WL 589035, at *2 (N.D. Cal. Feb. 24, 2025)
- Clark v. Washington, 366 F.2d 678, 681 (9th Cir. 1966)
- Gougher v. Mnuchin, No. 19-CV-07217-YGR (PR), 2020 WL 19148839, at *2 (N.D. Cal. Apr. 20, 2020)
- Najarro v. Wollman, No. C 12-1925 PJH, 2012 U.S. Dist. LEXIS 104447, at *7 (N.D. Cal. July 26, 2012)
- VR Sch. v. California Dep't of Educ., No. 23-CV-06286-SI, 2024 WL 5431354, at *3 (N.D. Cal. Sept. 20, 2024)