

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Demaruea North v. Sgt. Salazar

North v. Salazar · No. 3:25-cv-1750-WQH-LR · Decided July 14, 2025

SUMMARY

The United States District Court for the Southern District of California dismisses Demaruea North’s prisoner civil rights action without prejudice because he neither paid the required \$405 filing and administrative fee nor properly moved to proceed in forma pauperis. The court grants Plaintiff 45 days to pay the fee or submit a properly supported IFP motion with a certified six-month trust account statement.

OPINION

North v. Salazar

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 DEMARUEA NORTH, Case No.: 3:25-cv-1750-WQH-LR 12

ORDER DISMISSING CIVIL

Plaintiff,

13 ACTION FOR FAILURE TO PAY

vs. FILING FEES REQUIRED BY

14

28 U.S.C. § 1914(a) AND/OR FOR

15 FAILURE TO PROPERLY MOVE

SGT. SALAZAR, TO PROCEED IN FORMA

16

PAUPERIS PURSUANT TO

17 Defendant. 28 U.S.C. § 1915(a)

18 19 20 21 Plaintiff Demaruea North (“Plaintiff”), a prisoner currently confined at Kern Valley
22 State Prison and proceeding pro se, has filed a civil rights complaint pursuant to 42 U.S.C. 23 §
1983. See ECF No. 1.

24 I. FAILURE TO SATISFY FILING FEE REQUIREMENT

25 The action must be dismissed because Plaintiff has not paid the filing fee or moved 26 to
proceed in forma pauperis (“IFP”). All parties instituting any civil action, suit or 27 proceeding in

a district court of the United States, except an application for writ of habeas corpus, must pay a filing fee of \$405. See 28 U.S.C. § 1914(a). A civil action may proceed despite a plaintiff's failure to prepay the entire fee only if he is granted leave to proceed in forma pauperis ("IFP") pursuant to 28 U.S.C. § 1915(a). See *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007). However, a prisoner who is granted leave to proceed IFP remains obligated to pay the entire fee in "increments" or "installments," *Bruce v. Samuels*, 657 F.3d 82, 84 (2016), and regardless of whether his action is ultimately dismissed. See 28 U.S.C. § 1915(b)(1) & (2); *Taylor v. Delatoore*, 281 F.3d 844, 847 (9th Cir. 2002). Because Plaintiff has neither prepaid the \$405 in filing and administrative fees required to commence this civil action, nor submitted a properly supported IFP Motion, his case cannot yet proceed. See 28 U.S.C. § 1914(a); *Andrews*, 493 F.3d at 1051.

II. CONCLUSION

Accordingly, the Court: (1) **DISMISSES** this civil action sua sponte without prejudice based on Plaintiff's failure to pay the \$405 civil filing and administrative fee or to submit a Motion to Proceed IFP pursuant to 28 U.S.C. § 1914(a) and § 1915(a). (2) **GRANTS** Plaintiff forty-five (45) days leave from the date this Order is filed to: (a) prepay the entire \$405 civil filing and administrative fee in full; or (b) complete and file a Motion to Proceed IFP which includes a certified copy of his trust account statement for the 6-month period preceding the filing of his Complaint. See 28 U.S.C. § 1915(a)(2); S.D. Cal. Civ. L.R. 3.2(b). In addition to the \$350 statutory fee, civil litigants must pay an additional administrative fee of \$55. See 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees, District Court Misc. Fee Schedule, § 14 (eff. Dec. 1, 2023). The additional \$55 administrative fee does not apply to persons granted leave to proceed IFP. *Id.* Plaintiff is cautioned that if he chooses to re-open the case by either prepaying the full \$405 civil filing fee, or by submitting a properly supported Motion to Proceed IFP, his Complaint will be subject to an initial review and may be dismissed sua sponte pursuant to 28 U.S.C. § 1915A(b) and/or 28 U.S.C. § 1915(e)(2)(B), regardless of whether he pays the full filing fee at once, or is (3) **DIRECTS** the Clerk of the Court to provide Plaintiff with a Court-approved form "Motion and Declaration in Support of Motion to Proceed IFP" for his use and convenience. Should Plaintiff neither pay the \$405 filing fee in full nor sufficiently complete and file the attached Motion and Declaration to Proceed IFP within 45 days, this civil action will remain dismissed without prejudice pursuant to 28 U.S.C. § 1914(a), and without further Order of the Court. **IT IS SO ORDERED.** Dated: July 14, 2025 Nitta A. Ma Hon, William Q. Hayes United States District Court 25 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc) (noting that 28 U.S.C. § 1915(e) "not only permits but requires" the court to sua sponte dismiss an in forma pauperis complaint that is frivolous, malicious, fails to state a claim, or seeks damages from defendants who are immune); see also *Rhodes v. Robinson*, 621 F.3d 1002, 1004 (9th Cir. 2010) (discussing similar

screening 28 required by 28 U.S.C. § 1915A of all complaints filed by prisoners “seeking redress from a governmental entity or officer or employee of a governmental entity.””).

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