

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.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	William Q. Hayes
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 14, 2025
DOCKET	3:25-cv-1750-WQH-LR
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner filed a civil-rights action under 42 U.S.C. § 1983 without paying the required filing and administrative fees and without submitting a properly supported motion to proceed in forma pauperis.
PRECEDENTIAL VALUE	unpublished district court order; limited precedential value
PARTIES	Demaruea North v. Sgt. Salazar

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether a prisoner's civil action may proceed when the prisoner has neither prepaid the required filing and administrative fees nor submitted a properly supported motion to proceed in forma pauperis.
2. Whether the court should dismiss the action without prejudice and allow the prisoner time to cure the fee or IFP deficiency.

HOLDINGS

1. A prisoner's civil action cannot proceed when the prisoner has neither prepaid the required filing and administrative fees nor submitted a properly supported motion to proceed in forma pauperis under 28 U.S.C. §§ 1914(a) and 1915(a).
2. The action was properly dismissed without prejudice, with 45 days for Plaintiff to prepay the full \$405 fee or file a properly supported IFP motion.

KEY QUOTATIONS

"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." (at 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)." (at 2)

FACTUAL BACKGROUND

Demaruea North, a prisoner confined at Kern Valley State Prison, filed a pro se civil-rights complaint under 42 U.S.C. § 1983. He did not prepay the \$405 filing and administrative fees and did not submit a properly supported motion to proceed in forma pauperis. The court dismissed the action without prejudice and allowed him 45 days to pay the fee or file an IFP motion with a certified six-month trust-account statement.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 civil-rights complaint in the Southern District of California. The court sua sponte dismissed the action without prejudice because Plaintiff neither prepaid the required \$405 fee nor filed a properly supported IFP motion, while granting 45 days to cure either deficiency.

DISPOSITION

dismissed

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Bruce v. Samuels, 577 U.S. 82, 84 (2016)
- Taylor v. Delatoore, 281 F.3d 844, 847 (9th Cir. 2002)
- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)

- 25 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)

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