

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mohibullah Ahmadzai v. County of Sacramento, et al.

Ahmadzai · No. 2:25-cv-02625-DC-CSK · Decided January 5, 2026

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiff Mohibullah Ahmadzai's request to proceed in forma pauperis without prejudice because his application did not provide sufficient detail about the period covered by his financial aid. The court also denied his request for service as premature and directed him to pay the filing fee or submit a complete, signed IFP application within 30 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 5, 2026
DOCKET	2:25-cv-02625-DC-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, requested leave to proceed in forma pauperis and requested service of the summons and complaint. The magistrate judge denied both requests, denying the IFP request without prejudice and the service request as premature.
STANDARD OF REVIEW	The court applied the requirements of 28 U.S.C. § 1915(a)(1) governing eligibility to proceed in forma pauperis and the screening requirement of 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

civil procedure

service of process

PRACTICE AREAS

civil procedure

in forma pauperis proceedings

civil rights litigation

QUESTIONS PRESENTED

1. Whether plaintiff's application to proceed in forma pauperis sufficiently established inability to pay the filing fee under 28 U.S.C. § 1915(a)(1).
2. Whether plaintiff's request for service of the summons and complaint was premature before the court ruled on IFP eligibility and screened the complaint.

HOLDINGS

1. An IFP application must provide sufficient detail concerning the applicant's income, assets, and expenditures, including enough information about reported financial aid to permit the court to determine whether the applicant is unable to pay the filing fee or provide security. Plaintiff's application did not satisfy that requirement.
2. A request for service is premature before the court determines whether the plaintiff may proceed in forma pauperis and, if IFP status is granted, screens the complaint under 28 U.S.C. § 1915(e)(2).

KEY QUOTATIONS

“The affidavit must provide “sufficient details concerning [the applicant’s] income, assets, and expenditures[.]”” (at 1)

FACTUAL BACKGROUND

Plaintiff's IFP application reported approximately \$1,578 per month in Cash Aid, approximately \$906 per month in CalFresh benefits, and \$9,400 in financial aid for Fall 2025. The application did not explain how many months the financial aid covered. The court therefore could not determine whether plaintiff was unable to pay the filing fee or provide security.

PROCEDURAL HISTORY

Plaintiff filed a civil rights action and an application to proceed in forma pauperis, along with a request for service. The court found that the IFP application did not provide sufficient detail concerning the duration and treatment of plaintiff's financial aid to establish inability to pay the filing fee. Because the court had not yet determined IFP eligibility or screened the complaint, it denied the service request as premature and allowed plaintiff thirty days to pay the filing fee or submit a complete IFP application.

DISPOSITION

other

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999)
- Williams v. Cnty. of Ventura, 443 F. App'x 232, 233 (9th Cir. 2011)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MOHIBULLAH AHMADZAI, Case No. 2:25-cv-02625-DC-CSK 12
Plaintiff, 13 v. ORDER DENYING WITHOUT PREJUDICE PLAINTIFF’S REQUEST TO
PROCEED 14 COUNTY OF SACRAMENTO, et al., IFP 15 Defendants. (ECF Nos. 2, 3) 16 17
Plaintiff Mohibullah Ahmadzai is representing himself in this action and seeks 18 leave to proceed
in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915.1 (ECF No. 2.)

19 For the reasons stated below, the Court DENIES Plaintiff’s request to proceed IFP 20 without
prejudice. 21 I. LEGAL STANDARDS 22 All parties instituting any civil action, suit or
proceeding in any district court of the 23 United States, except an application for writ of habeas
corpus, must pay a filing fee. See 24 28 U.S.C. § 1914(a). An action may proceed despite a party’s
failure to pay the filing fee 25 only if the party is granted leave to proceed in forma pauperis
pursuant to 28 U.S.C. 26 § 1915(a).

See *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v.* 27 1 This matter
proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. 28 Civ. P. 72, and Local
Rule 302(c). 1 Cook, 169 F.3d 1176, 1177 (9th Cir. 1999).

To qualify to proceed in forma pauperis, the 2 litigant must submit an affidavit that includes a
statement of all assets they possess. 3 28 U.S.C. § 1915(a)(1). The affidavit must also state that the
person is unable to pay the 4 fees or give security. *Id.* The affidavit must provide “sufficient details
concerning [the 5 applicant’s] income, assets, and expenditures[.]” *Williams v. Cnty. of Ventura*,
443 F. 6 App’x 232, 233 (9th Cir.

2011) (citing *United States v. McQuade*, 647 F.2d 938, 940 (9th 7 Cir. 1981) (an affidavit claiming
poverty in support of a motion made under 8 28 U.S.C. § 1915 must state the relevant facts “with
some particularity, definiteness, and 9 certainty”). 10 II. DISCUSSION 11 A. Plaintiff’s Request to
Proceed IFP 12 Plaintiff’s IFP application indicates he receives the following income: 13
approximately \$1,578/monthly in Cash Aid; approximately \$906/monthly in CalFresh; 14 and
\$9,400 in Financial Aid for “Fall 2025.” ECF No. 2 ¶ 3.

It is not clear how many 15 months Plaintiff’s financial aid covers to determine whether Plaintiff is
unable to pay the 16 fees or give security as required pursuant to 28 U.S.C. § 1915(a)(1). Plaintiff’s
IFP 17 application lacks sufficient detail to establish that he is entitled to prosecute this case 18
without paying the required fees. See *Williams*, 443 F. App’x at 233.

Plaintiff will be 19 provided an opportunity to file an amended IFP application. Therefore,
Plaintiff’s request 20 to proceed in forma pauperis (ECF No. 2) is DENIED without prejudice to
its renewal. 21 Plaintiff is warned that failure to pay the filing fee or submit a complete IFP

application 22 with sufficient detail by the prescribed deadline may result in a recommendation that this 23 action be dismissed.

24 B. Plaintiff's Request for Service 25 Plaintiff has also filed a request for service of the summons and Complaint. (ECF 26 No. 3.) This request is premature as the Court must first determine whether IFP is 27 appropriate and if it is, the Court must screen the complaint and dismiss any claims that 28 are frivolous or malicious, fail to state a claim on which relief may be granted, or seek 1 | monetary relief against an immune defendant.

28 U.S.C. § 1915(e)(2). Accordingly, 2 | Plaintiff's request for service (ECF No. 3) is DENIED as premature. 3 | Ill. CONCLUSION 4 In accordance with the above, IT |S ORDERED that: 5 1. Plaintiff's request for service (ECF No. 3) is DENIED as premature; 6 2. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is DENIED 7 without prejudice; and 8 3.

Plaintiff must pay the filing fee or file a complete and signed application to 9 proceed IFP within thirty (30) days from the date of this order. 10 11 | Dated: January 5, 2026 C ii \$ \U 12 CHI SOO KIM 43 UNITED STATES MAGISTRATE JUDGE 14 || 4, ahma2625.25 15 16 17 18 19 20 21 22 23 24 25 26 27 28