

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Kirk D. Williams v. ByteDance Ltd., et al.

Williams v. ByteDance · No. 2:25-cv-03353-DJC-CSK · Decided January 8, 2026

OPINION

(PS)Williams

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 KIRK D. WILLIAMS, Case No. 2:25-cv-03353-DJC-CSK 12 Plaintiff,

13 v. ORDER DENYING WITHOUT PREJUDICE

PLAINTIFF’S REQUEST TO PROCEED

14 BYTEDANCE LTD., et al., IFP 15 Defendants. (ECF No. 2) 16 17 Plaintiff Kirk D. Williams
is representing himself in this action and seeks leave to 18 proceed in forma pauperis (“IFP”)
pursuant to 28 U.S.C. § 1915.1 (ECF No. 2.) For the 19 reasons stated below, the Court DENIES
Plaintiff’s request to proceed IFP without 20 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 In its current form, Plaintiff’s IFP application is incomplete. See ECF No. 2. 12 Plaintiff does

not respond to questions regarding the following: amount of money in cash 13 or in a checking or savings account; any monthly expenses; any dependents and how 14 much support is contributed; and whether Plaintiff has any debts or financial obligations. 15 See *id.* at 2 ¶¶ 4-8. Therefore, Plaintiff's IFP application lacks sufficient detail to establish 16 that he is entitled to prosecute this case without paying the required fees. See *Williams*, 17 443 F. App'x at 233; see also 28 U.S.C. § 1915(a)(1). Plaintiff will be provided an 18 opportunity to file an amended IFP application. Therefore, Plaintiff's request to proceed 19 in forma pauperis (ECF No. 2) is DENIED without prejudice to its renewal. Plaintiff is 20 warned that failure to pay the filing fee or submit a complete IFP application with 21 sufficient detail by the prescribed deadline may result in a recommendation that this 22 action be dismissed.

23 III. CONCLUSION

24 In accordance with the above, IT IS ORDERED that: 25 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is DENIED 26 without prejudice; and 27 / / / 28 / / / 1 2. Plaintiff must pay the filing fee or file a complete and signed application to 2 proceed IFP within thirty (30) days from the date of this order. 3 4 Dated: January 7, 2026 C iy S \U

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UNITED STATES MAGISTRATE JUDGE

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