

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dunn v. Unified District School Clovis

No. 1:25-cv-0962 JLT BAM (E.D. Cal. Aug. 14, 2025) · No. 1:25-cv-0962 JLT BAM · Decided August 15, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and denied Alana Dunn’s application to proceed in forma pauperis. The court ordered her to pay the \$405 filing fee within 21 days, warning that failure to do so would result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 15, 2025
DOCKET	1:25-cv-0962 JLT BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought leave to proceed in forma pauperis. After the assigned magistrate judge recommended denial, plaintiff filed objections, and the district court conducted de novo review.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)
PRECEDENTIAL VALUE	Unknown
PARTIES	Alana Dunn v. Unified District School Clovis, et al.

TOPICS

civil procedure

PRACTICE AREAS

Civil procedure Federal in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether plaintiff established indigency sufficient to proceed in forma pauperis.
2. Whether the magistrate judge's findings and recommendations should be adopted after de novo review of plaintiff's objections.

HOLDINGS

1. Plaintiff failed to demonstrate that she was unable to pay the filing fee while providing necessities for herself and her dependents; therefore, her application to proceed in forma pauperis was properly denied.

KEY QUOTATIONS

“a litigant shows indigency when “unable to pay for the court fees and costs, and to provide necessities for himself and his dependents”” (at 2)

FACTUAL BACKGROUND

Alana Dunn reported annual household income of \$91,294.80, consisting of her salary and SSI benefits received for four children. The magistrate judge concluded that her reported income, expenses, and assets did not establish an inability to pay the filing fee, and plaintiff's objections did not dispute that her annual income exceeded \$90,000 or otherwise demonstrate inability to pay.

PROCEDURAL HISTORY

Plaintiff initiated the action by filing a complaint and an application to proceed in forma pauperis on August 5, 2025. The magistrate judge found that plaintiff's reported household income, expenses, and assets were inconsistent with indigency and recommended denying the application. Plaintiff objected, but the district court adopted the findings and recommendations, denied in forma pauperis status, and ordered payment of the filing fee within 21 days.

DISPOSITION

other

CASES CITED

- Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 (11th Cir. 2004)

OPINION

Dunn v. Unified District School Clovis

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ALANA DUNN, Case No. 1:25-cv-0962 JLT BAM 12 Plaintiff, ORDER ADOPTING
FINDINGS AND

RECOMMENDATIONS, DENYING

13 v. PLAINTIFF'S APPLICATION TO

PROCEED IN FORMA PAUPERIS, AND

14 UNIFIED DISTRICT SCHOOL CLOVIS, DIRECTING PLAINTIFF TO PAY THE

et al., FILING FEE WITHIN 21 DAYS 15 Defendants. (Docs. 2, 3) 16 17 Alana Dunn seeks to proceed in forma pauperis in this action, which she initiated by filing 18 a complaint on August 5, 2025. (Docs. 1, 2.) The assigned magistrate judge reviewed the 19 application and found the information provided was "inconsistent with a finding of poverty based 20 on household income, stated expenses, and stated assets." (Doc. 3 at 2.) The magistrate judge 21 noted that Plaintiff reported an annual household income of \$91,294.80, including her own salary 22 as well as the SSI benefits received for four children. (Id. at 2-3.) The magistrate judge found 23 Plaintiff did not show she was unable to pay the filing fee, and recommended the Court deny the 24 request to proceed in forma pauperis. (Id. at 3.) 25 Plaintiff filed timely objections to the Findings and Recommendations. (Doc. 4.) Plaintiff 26 provides additional information concerning her income since 2020 and the SSI benefits received 27 for the four children. (Id. at 7-16.) However, Plaintiff does not dispute the finding of the 28 magistrate judge that her annual income exceeds \$90,000, or otherwise demonstrate an inability 1 | to pay the Court's filing fee. Thus, Plaintiffs objections do not show either factual or legal errors 2 | by the magistrate judge. 3 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of the case. 4 | Having carefully reviewed the entire matter, including Plaintiff's objections and exhibits, the 5 | Court concludes the Findings and Recommendations are supported by the record and proper 6 | analysis. As the magistrate judge found, Plaintiff's income is sufficient for her to pay the filing 7 | fee and still afford necessities for her and her dependents. See *Martinez v. Kristi Kleaners, Inc.*, 8 | 364 F.3d 1305, 1307 (11th Cir. 2004) (a litigant shows indigency when "unable to pay for the 9 | court fees and costs, and to provide necessities for himself and his dependents"). Thus, the Court 10 | ORDERS: 11 1. The Findings and Recommendations issued on August 7, 2025 (Doc. 3) are 12 ADOPTED in full. 13 2. Plaintiff's motion to proceed in forma pauperis (Doc. 2) is DENIED. 14 3. Plaintiff SHALL pay the \$405.00 filing fee in full within 21 days of the date of 15 service to proceed with this action. 16 Failure to pay the filing fee as ordered will result in the Court dismissing the action 17 without prejudice. 18 19 IT IS SO ORDERED. 29 | Dated: _ August 14, 2025 Charis [Tourn

TED STATES DISTRICT JUDGE

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