

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Phillip Charles Aught, Jr. v. Clark County School District, et al.

Aught · No. 2:25-cv-00874-CDS-MDC · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Nevada overruled Phillip Charles Aught, Jr.'s objection to the magistrate judge's report and recommendation. The court adopted the recommendation, dismissed the case without prejudice for failure to comply with orders and demonstrate eligibility for in forma pauperis status, denied the IFP application as moot, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 17, 2025
DOCKET	2:25-cv-00874-CDS-MDC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff objected to a magistrate judge's report and recommendation recommending dismissal for failure to comply with orders requiring a complete in forma pauperis application or payment of the filing fee.
STANDARD OF REVIEW	The district court conducts a de novo determination of portions of a report and recommendation to which an objection is made under 28 U.S.C. § 636(b)(1). A magistrate judge's order is set aside only if it is clearly erroneous or contrary to law under 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a).
PRECEDENTIAL VALUE	Unknown; federal district court order with no reporter citation or stated precedential designation.
PARTIES	Phillip Charles Aught, Jr. v. Clark County School District, et al.

TOPICS

- civil procedure
- motions to dismiss
- default

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should reject the magistrate judge's report and recommendation recommending dismissal for failure to comply with court orders.
2. Whether Aught demonstrated eligibility to proceed in forma pauperis under 28 U.S.C. § 1915(a).
3. Whether dismissal without prejudice was warranted based on repeated noncompliance with court orders and failure to timely pay the filing fee or submit a sufficient IFP application.

HOLDINGS

1. Aught failed to demonstrate eligibility for in forma pauperis status because his repeated applications did not adequately establish his inability to pay court fees and did not satisfy the court's instructions requiring complete and detailed answers.
2. Dismissal without prejudice was warranted because Aught failed to comply with repeated orders requiring a complete IFP application or payment of the filing fee.

KEY QUOTATIONS

“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” (at 1)

“To qualify for in forma pauperis status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims he or she seeks to pursue are not frivolous.” (at 2)

FACTUAL BACKGROUND

Aught sought to proceed in forma pauperis but repeatedly submitted applications that failed to answer all questions and did not explain his claimed lack of income, expenses, property, and debts. After multiple opportunities to cure the deficiencies, he failed to submit a compliant application or pay the filing fee by the court-ordered deadline. He later filed another materially identical application seventeen days late and objected to the recommendation of dismissal.

PROCEDURAL HISTORY

Aught filed an incomplete application to proceed in forma pauperis. The magistrate judge denied successive applications, identified deficiencies, and ordered Aught to file a complete long-form application or pay the filing fee by November 17, 2025. Aught filed another deficient application seventeen days late, and the magistrate judge recommended dismissal. The district court overruled the objection, adopted the report and recommendation, dismissed the action without prejudice, and denied the IFP application as moot.

DISPOSITION

dismissed

CASES CITED

- United States v. U.S. Gypsum Co., 333 U.S. 364, 395 (1948)
- UnitedHealth Grp., Inc. v. United Healthcare, Inc., 2014 WL 4635882, at *1 (D. Nev. Sept. 16, 2014)
- Ogunsalu v. Nair, 117 F. App'x 522, 523 (9th Cir. 2004)
- In re Phenylpropanolamine, 460 F.3d 1217, 1226 (9th Cir. 2006)

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