

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Androshchuk v. Corralejo

Androshchuk · No. 2:25-cv-0397-JDP (P) · Decided April 22, 2025

SUMMARY

The court reviews a state inmate's application to proceed in forma pauperis in a 42 U.S.C. § 1983 action. Because the plaintiff's trust account showed an available balance of \$1,351, the court ordered him to explain within twenty-one days why he could not pay the \$405 filing fee while affording life's necessities, warning that failure to respond would result in a recommendation that the application be denied.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 22, 2025
DOCKET	2:25-cv-0397-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state inmate bringing a 42 U.S.C. § 1983 action, applied to proceed in forma pauperis. The magistrate judge reviewed his trust-fund account statement and issued an order allowing him twenty-one days to explain why he could not pay the filing fee while affording life's necessities.
STANDARD OF REVIEW	The court reviewed plaintiff's trust-fund account statement to determine whether he could pay the filing fee while still affording the necessities of life.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether plaintiff should immediately be denied in forma pauperis status based on the balance shown in his inmate trust-fund account.
2. Whether plaintiff should receive an opportunity to demonstrate that paying the filing fee would leave him unable to afford the necessities of life.

HOLDINGS

1. The court did not immediately deny the application; instead, it gave plaintiff twenty-one days to explain why he could not pay the filing fee while still affording life's necessities.

KEY QUOTATIONS

“An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life.” (23-25)

FACTUAL BACKGROUND

Plaintiff is a state inmate who filed a § 1983 action and concurrently sought leave to proceed in forma pauperis. His trust-fund account statement showed an available balance of \$1,351, which the court found was more than enough to cover the \$405 filing fee. The court nevertheless allowed plaintiff to explain why payment of the fee would prevent him from affording necessities.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights action and an application to proceed in forma pauperis. After reviewing the account statement, the court found that plaintiff appeared to have sufficient funds to pay the \$405 filing fee, but deferred recommending denial of in forma pauperis status and gave plaintiff an opportunity to respond.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)

OPINION

(PC) Androshchuk v. Corralejo

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 EDWARD ANDROSHCHUK, Case No. 2:25-cv-0397-JDP (P) 12 Plaintiff, 13 v. ORDER
14 B. CORRALEJO, et al., 15 Defendants. 16 17 Plaintiff, a state inmate, brings this § 1983 action
and concurrently has applied to proceed 18 in forma pauperis, ECF No. 2. I have reviewed his
trust fund account statement, and it appears 19 that he has sufficient funds to cover the filing fee.
His account statement indicates that he has an 20 available balance of \$1,351—more than enough
to cover the \$405 filing fee. Id. But before 21 recommending that plaintiff’s application be denied,
I will give him an opportunity to respond to 22 this order and to explain why he cannot both pay
the filing fee and still afford his necessities. See 23 Escobedo v. Applebees, 787 F.3d 1226, 1234
(9th Cir. 2015) (“An affidavit in support of an IFP 24 application is sufficient where it alleges that
the affiant cannot pay the court costs and still afford 25 the necessities of life.”). 26 Accordingly, it
is ORDERED that within twenty-one days of this order’s entry plaintiff 27 may respond to this
order and explain why he should still be allowed to proceed in forma 28 pauperis. If he fails to do
so, I will recommend that plaintiff’s application be denied, and he be 1 | directed to pay the full
filing fee. 2 3 IT IS SO ORDERED. 4 (| { ie — Dated: _ April 21, 2025 q———

5 JEREMY D. PETERSON

6 UNITED STATES MAGISTRATE JUDGE

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28