

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

Marroquin v. Mr. Gordon

No. 25-cv-1075-RSH-DEB (S.D. Cal. Apr. 30, 2025) · No. 25-cv-1075-RSH-DEB · Decided April 30, 2025

OPINION

Marroquin v. Mr. Gordon

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 FRANK ANTHONY MARROQUIN, Case No.: 25-cv-1075-RSH-DEB 12 Plaintiff,

ORDER ON PLAINTIFF’S MOTION

13 v. TO PROCEED IN FORMA

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14 MR. GORDON, Office of the Director, Department of Motor Vehicles, 15 [ECF No. 2]
Defendant. 16 17 18 19 On April 28, 2025, plaintiff Frank Anthony Marroquin, proceeding pro se,
20 commenced this action. ECF No. 1. On April 29, 2025, Plaintiff filed the instant motion 21 for
leave to proceed in forma pauperis (“IFP”). ECF No. 2. For the reasons below, the 22 Court denies
the motion to proceed IFP without prejudice. 23 All parties instituting a civil action, suit, or
proceeding in a district court of the 24 United States, other than a petition for writ of habeas
corpus, must pay a filing fee. 28 25 U.S.C. § 1914(a). An action may proceed despite a party’s
failure to pay the filing fee only 26 if the party is granted leave to proceed in IFP pursuant to 28
U.S.C. § 1915(a)(1). See 27 Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999). A federal
court may authorize the 28 commencement of an action without the prepayment of fees if the
party submits an 1 || affidavit, including a statement of assets, showing inability to pay the
required filing fee. 2 ||28 U.S.C. § 1915(a). “An affidavit in support of an IFP application is
sufficient where it 3 || alleges that the affiant cannot pay the court costs and still afford the
necessities of life[.]” 4 || Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015). “[A]
plaintiff seeking IFP 5 ||status must allege poverty “with some particularity, definiteness and
certainty.”” Jd. 6 || (quoting United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)). 7 In his
IFP application, Plaintiff claims he has no source of income, no cash, and no 8 || assets. ECF No. 2
at 1-3. Plaintiff does not, however, specify whether he has money in any 9 ||bank account or other
financial institution. /d. at 2. In addition, Plaintiff also claims no 10 ||monthly expenses, instead
listing EBT (which is not an expense) in this section. /d. at □□□□ 11 ||/It is unclear to the Court
how Plaintiff is securing the necessities of life without any 12 || expenses. See Ritchie v. Hill, No.

23-CV-2163 JLS (BLM), 2023 WL 8439564, at *2 (S.D. 13 Dec. 5, 2023); Turner v. City of San Diego, No. 23-CV-29 TWR (NLS), 2023 WL 14 || 163492, at *1 (S.D. Cal. Jan. 10, 2023). Because Plaintiff does not provide sufficient 15 information to determine whether Plaintiff qualifies for IFP status under 28 U.S.C. § 1915, 16 Court DENIES Plaintiff's IFP motion without prejudice. If Plaintiff wishes to proceed 17 || with this action, Plaintiff must: (1) pay the filing fee of \$405; or (2) file a corrected IFP 18 || motion correcting the above deficiencies by May 28, 2025. 19 IT IS SO ORDERED. 20 || Dated: April 30, 2025 □ 21 Febut [ove 7 Hon. Robert S. Huie United States District Judge 23 24 25 26 27 28