

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Trever O. Dustin v. UTCU Corp.

Dustin · No. 4:25-cv-00707-BLW · Decided March 5, 2026

SUMMARY

The United States District Court for the District of Idaho denied Trever O. Dustin’s application to proceed in forma pauperis. The court found that his income, savings, assets, and disposable income indicated he could pay the filing fee without being deprived of basic necessities, while allowing him 28 days to pay the fee or submit an updated application.

CASE DETAILS

COURT	United States District Court for the District of Idaho
JURISDICTION	United States District Court for the District of Idaho
DECIDED	March 5, 2026
DOCKET	4:25-cv-00707-BLW
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff submitted an application to proceed in forma pauperis in connection with his civil lawsuit. The district court conducted its initial review and denied the application without prejudice.
STANDARD OF REVIEW	The granting or denial of leave to proceed in forma pauperis in a civil case is within the sound discretion of the district court.
PRECEDENTIAL VALUE	unpublished
PARTIES	Trever O. Dustin v. UTCU Corp.

TOPICS

civil procedure

PRACTICE AREAS

civil procedure in forma pauperis proceedings

QUESTIONS PRESENTED

- Whether Dustin demonstrated sufficient poverty to qualify for leave to proceed in forma pauperis under 28 U.S.C. § 1915(a).

2. Whether payment of the filing fee would deprive Dustin of the necessities of life.

HOLDINGS

1. Dustin did not qualify for in forma pauperis status because his financial information showed that he could pay the filing fee while still supporting his basic living expenses.
2. The denial of Dustin's application was without prejudice, allowing him to resubmit the application if he omitted expenses or if his financial circumstances changed.

KEY QUOTATIONS

“The more fundamental question is whether the payment of the court fees would deprive him of the necessities of life.” (at 3)

“Because he has not provided information to demonstrate his poverty, the Court denies Mr. Dustin’s application to proceed in forma pauperis.” (at 4)

“The denial is without prejudice, meaning that Mr. Dustin may resubmit his application if he failed to include expenses or if his financial circumstances change.” (at 4)

FACTUAL BACKGROUND

Dustin reported average monthly income of \$3,500, approximately \$20,000 in savings, a house valued at \$285,000, and two vehicles. He reported monthly expenses, which the court recalculated as approximately \$2,622 rather than the \$2,231 stated in the application, leaving roughly \$878 in monthly disposable income. The court also noted that Dustin supported his daughter and her mother, had recently held higher-paying employment, and was behind on some bills.

PROCEDURAL HISTORY

Trever O. Dustin filed a civil action in the District of Idaho and submitted an application to proceed in forma pauperis. After reviewing his income, expenses, savings, and assets, the court denied the application without prejudice and gave him 28 days either to pay the filing fee or submit an updated application.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- O’Loughlin v. Doe, 920 F.2d 614, 616 (9th Cir. 1990)
- Lint v. City of Boise, No. CV09-72-S-EJL, 2009 U.S. Dist. LEXIS 38930, 2009 WL 1149442, at *2 (D. Idaho Apr. 28, 2009)
- Campos v. Saul, No. 1:19-cv-00248-REB, 2019 U.S. Dist. LEXIS 248175, 2019 WL 13251985, at *1 (D. Idaho July 11, 2019)

OPINION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO TREVER O. DUSTIN, Case No. 4:25-cv-00707-BLW Plaintiff, INITIAL SCREENING ORDER v. UTCU CORP., Defendant. Before the Court is Plaintiff Trever Dustin's In Forma Pauperis Application (Dkt. 1).

For the reasons explained below, the Court will deny the In Forma Pauperis Application. Plaintiffs who wish to pursue civil lawsuits in this District must pay a filing fee. See 28 U.S.C. § 1914(a). If a plaintiff wishes to avoid that fee, he must submit an affidavit showing he is unable to pay. 28 U.S.C. § 1915(a). "An affidavit in support of an in forma pauperis application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life." *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir.

2015). "[A] plaintiff seeking IFP status must allege poverty with some particularity, definiteness and certainty." *Id.* (internal quotation marks omitted). The granting or denial of leave to proceed in forma pauperis in civil cases is within the sound discretion of the district court. *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990).

The Court has reviewed the affidavit provided by Mr. Dustin. Mr. Dustin is employed at SCI in Syracuse, Utah, and receives \$3500 in average monthly income, which totals \$42,000 a year. Dkt. 1 at 2. Mr. Dustin's daughter and his daughter's mother rely on him financially. *Id.* at 5. He has \$20,000 in savings,¹ and assets including a house valued at \$285,000 and two vehicles—a 2012 Cadillac SRX and a 2003 Ram 2500.

Id. at 3. Mr. Dustin's average monthly expenses total \$2,622.2 *Id.* at 4. Therefore, in an average month, Mr. Dustin has roughly \$878 after he pays his monthly expenses. Given Mr. Dustin's statements in his application, he does not qualify for in forma pauperis status. Mr. Dustin's current monthly income of \$3500 puts his income well above the poverty threshold identify by the Department of Health and Human Services.

Id. at 2; see, e.g., *Lint v. City of Boise*, No. CV09-72-S-EJL, 2009 U.S. Dist. LEXIS 38930, 2009 WL 1149442, at *2 (D. Idaho Apr. 28, 2009) ("In determining whether a certain income level meets the poverty threshold under 28 U.S.C. § 1915(a), many federal courts look to the federal poverty guidelines ¹ The report has several apparent inaccuracies with totaling Mr. Dustin's expenses and savings.

First, he reports to have \$15,000 total in cash savings. *Id.* at 3. However, in further detail, Mr. Dustin notes that he has \$15,000 with one financial institution, and an additional \$5,000 with a second financial institution, totaling \$20,000. *Id.* 2 Mr. Dustin reports average monthly expenses of \$2,231, but the Court found his listed expenses to add to \$2,622, including rent (\$1,100), utilities (\$300), food (\$300), laundry (\$50), medical and dental expenses (\$212), home (\$160) and car insurance (\$100), child support (\$200), and alimony (\$200). developed each year by the

Department of Health and Human Services[.]”); Campos v. Saul, No. 1:19-cv-00248-REB, 2019 U.S. Dist.

LEXIS 248175, 2019 WL 13251985, *1 (D. Idaho July 11, 2019) (denying the plaintiff’s motion to proceed in forma pauperis when the plaintiff’s annual household gross income was \$32,880 and the federal poverty guideline income was \$25,750). Mr. Dustin does note that he began his current employment in December 2025, and that he is behind on bills. Id. at 5. While the Court is sensitive to these difficulties, Mr. Dustin has \$20,000 in savings, multiple assets, and was recently employed at a job that paid substantially more than his current position.

That said, whether a plaintiff is above the poverty line is not the sole consideration to determine in forma pauperis status. The more fundamental question is whether the payment of the court fees would deprive him of the necessities of life. Escobedo, 787 F.3d at 1234. Assuming Mr. Dustin’s expenses remain consistent, he would have \$878 available as disposable income, in addition to the \$20,000 saved with financial institutions, and multiple assets.

These factors indicate Mr. Dustin can pay the Court’s filing fee while still supporting his basic living expenses. Because he has not provided information to demonstrate his poverty, the Court denies Mr. Dustin’s application to proceed in forma pauperis.

The denial is without prejudice, meaning that Mr. Dustin may resubmit his application if he failed to include expenses or if his financial circumstances change. ORDER IT IS ORDERED that: 1. Plaintiff’s Application to Proceed Jn Forma Pauperis is DENIED. 2. Plaintiff has 28 days to pay the applicable filing fee or file an updated application to proceed in forma pauperis.

If he does not, this case may be dismissed without prejudice and without further notice. <<
DATED: March 5, 2026 ‘ J Gt US. District Court Judge MEMORANDUM DECISION AND
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