

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Scott Bruno v. County of Tuolumne et al.

Bruno · No. 1:25-cv-1967-BAM · Decided December 29, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends denying Scott Bruno’s application to proceed in forma pauperis because his reported annual income exceeds the federal poverty guideline and does not establish an inability to pay court fees. The court directs the Clerk to randomly assign a district judge and recommends that Plaintiff pay the \$405 filing fee, subject to a fourteen-day objection period.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 29, 2025
DOCKET	1:25-cv-1967-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil action asserting claims under 42 U.S.C. § 1983, the Americans with Disabilities Act, and state law, and sought leave to proceed in forma pauperis. A magistrate judge issued findings and recommendations recommending denial of the application and requiring payment of the filing fee.
STANDARD OF REVIEW	The applicant bears the burden under 28 U.S.C. § 1915 of demonstrating that poverty prevents payment of court costs while providing for the necessities of life. The court evaluated the application using the federal poverty guidelines as a guidepost.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- section 1983
- ada / disability

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated under 28 U.S.C. § 1915 that poverty prevented him from paying the filing fee while providing for the necessities of life.
2. Whether Plaintiff's application to proceed without prepayment of fees and costs should be denied and Plaintiff required to pay the filing fee.

HOLDINGS

1. Plaintiff did not make the showing required by 28 U.S.C. § 1915 because his reported annual household income substantially exceeded the applicable federal poverty guideline and the record did not indicate that he was unable to pay the filing fee while providing for life's necessities.

FACTUAL BACKGROUND

Plaintiff reported monthly SSI disability benefits of \$2,465 and VA service-connected disability income of \$3,831.30, for total monthly income of \$6,296.30 and annual income of \$75,555.60. He listed no dependents. Based on that income and the 2025 federal poverty guideline of \$15,650 for a household of one, the court found no indication that Plaintiff could not pay the filing fee while providing for life's necessities.

PROCEDURAL HISTORY

On December 22, 2025, Plaintiff filed the action and an application to proceed without prepayment of fees under 28 U.S.C. § 1915. The magistrate judge directed the Clerk to randomly assign a district judge and recommended that the application be denied and that Plaintiff pay the \$405 filing fee. The parties were given fourteen days to object under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Soldani v. Comm'r of Soc. Sec., No. 1:19-cv-00040, 2019 WL 2160380, at *1 (E.D. Cal. Jan. 31, 2019)
- Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 n.5 (11th Cir. 2004)
- Boulas v. United States Postal Serv., No. 1:18-cv-01163-LJO-BAM, 2018 WL 6615075, at *1 (E.D. Cal. Nov. 1, 2018)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 SCOTT BRUNO, Case No. 1:25-cv-1967-BAM 12 Plaintiff, ORDER

DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN DISTRICT 13 v. JUDGE 14
COUNTY OF TUOLUMNE et al., FINDINGS AND RECOMMENDATIONS
RECOMMENDING PLAINTIFF'S 15 Defendants. APPLICATION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS BE DENIED 16 (Doc.

2) 17 FOURTEEN (14) DAY DEADLINE 18 19 On December 22, 2025, Plaintiff Scott Bruno
("Plaintiff"), pro se, filed this action 20 asserting claims against the County of Tuolumne, Sheriff
David Vasquez, Deputy Sorini, Deputy 21 Rawlinson, Deputy Logan, Deputy Atkinson, and the
Tuolumne County Sheriff's Office. (Doc. 22 1.) Plaintiff asserts claims pursuant to 42 U.S.C. §
1983, the Americans with Disability Act, and 23 negligence, intentional infliction of emotional
distress, defamation, and conversion.

(Id.) 24 Plaintiff seeks compensatory and punitive damages, declaratory and injunctive relief, and
25 attorneys' fees and costs. (Id. at 31.) Plaintiff did not pay the filing fee and instead filed an 26
application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (Doc. 2). 27 According to
Plaintiff's application, he receives monthly income from SSI disability 28 benefits in the amount
of \$2,465.00 and VA service-connected disability income in the amount of 1 \$3,831.30 per month.

(Id. at 1.) Plaintiff provides that his total monthly income is \$6,296.30. 2 (Id.) This amounts to an
annual income of \$75,555.60 ($\$6,296.30 \times 12 \text{ months} = \$75,555.60$). 3 Plaintiff lists no
dependents. (Id. at 2.) 4 "To satisfy the requirements of 28 U.S.C. § 1915, applicants must
demonstrate that 5 because of poverty, they cannot meet court costs and still provide themselves,
and any 6 dependents, with the necessities of life." *Soldani v. Comm'r of Soc.*

Sec., No. 1:19-cv-00040, 7 2019 WL 2160380, at *1 (E.D. Cal. Jan. 31, 2019). Many courts look
to the federal poverty 8 guidelines set by the United States Department of Health and Human
Services ("HHS") as a 9 guidepost in evaluating in forma pauperis applications. See *Martinez v.*
Kristi Kleaners, Inc., 364 10 F.3d 1305, 1307 n.5 (11th Cir. 2004); *Boulas v. United States Postal*
Serv., No. 1:18-cv-01163- 11 LJO-BAM, 2018 WL 6615075, at *1 (E.D.

Cal. Nov. 1, 2018) (applying federal poverty 12 guidelines to in forma pauperis application). For a
family or household of one, the 2025 poverty 13 guideline is \$15,650. See U.S. Federal Poverty
Guidelines Used to Determine Financial 14 Eligibility for Certain Federal Programs, available at
[https://aspe.hhs.gov/topics/poverty-](https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines) 15 [economic-mobility/poverty-guidelines](https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines) (last visited
December 29, 2025).

16 Having considered Plaintiff's application, the Court finds that Plaintiff has not made the 17
showing required by section 1915 that he is unable to pay the required fees for this action. 18
Plaintiff's household estimated annual income exceeds that of the federal poverty guidelines.

In 19 light of this, there is no indication that Plaintiff is unable to pay the filing fee while also
providing 20 for the necessities of life. Accordingly, the Clerk of the Court is HEREBY

DIRECTED to 21 randomly assign a District Judge to this action. 22 Furthermore, it is HEREBY RECOMMENDED that: 23 1. Plaintiff's application to proceed without prepayment of fees and costs (Doc.

2) be 24 DENIED; and 25 2. Plaintiff be required to pay the \$405.00 filing fee in full to proceed with this 26 action. 27 These Findings and Recommendations will be submitted to the United States District 28 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b) (1). Within 1 fourteen (14) days after being served with these Findings and Recommendations, the parties may 2 file written objections with the court.

The document should be captioned "Objections to 3 Magistrate Judge's Findings and Recommendations." Objections, if any, shall not exceed 4 fifteen (15) pages or include exhibits. Exhibits may be referenced by document and page 5 number if already in the record before the Court. Any pages filed in excess of the 15-page 6 limit may not be considered.

The parties are advised that failure to file objections within the 7 specified time may result in the waiver of the "right to challenge the magistrate's factual 8 findings" on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing Baxter 9 v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)). 10 IT IS SO ORDERED. 11 12 Dated: December 29, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28