

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

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 x 12 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-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 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