

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tiffany Harrison Shabazz, et al. v. Mercy San Juan Medical Center,
et al.

Shabazz v. Mercy San Juan Medical Center · No. 2:25-cv-02810-DJC-SCR · Decided October 14, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiff Tiffany Harrison Shabazz’s motion to proceed in forma pauperis without prejudice. The court found that the financial information provided was insufficient to establish eligibility, permitted Plaintiff to renew the application or pay the filing fee within 21 days, and cautioned that failure to do so could lead to a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 14, 2025
DOCKET	2:25-cv-02810-DJC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff moved to proceed in forma pauperis in a civil-rights action. The magistrate judge denied the motion without prejudice and allowed the plaintiff 21 days either to file a renewed application or pay the filing fee.
STANDARD OF REVIEW	The court evaluated whether the application sufficiently demonstrated inability to pay the filing fee under 28 U.S.C. § 1915.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- civil procedure
- guardianship procedure
- guardianships

PRACTICE AREAS

- civil procedure
- in forma pauperis proceedings
- pro se litigation
- minor representation

QUESTIONS PRESENTED

1. Whether Plaintiff's financial application sufficiently demonstrated poverty and inability to pay the filing fee to qualify for in forma pauperis status under 28 U.S.C. § 1915.
2. Whether a pro se parent may bring an action on behalf of minor children without retaining counsel.

HOLDINGS

1. An applicant for in forma pauperis status must allege poverty with particularity, definiteness, and certainty, and expenses that are not necessities of life may undermine a claim of inability to pay. Plaintiff's application did not make a sufficient showing, so the motion was denied without prejudice.
2. A pro se parent or guardian cannot bring an action on behalf of minor children without retaining a lawyer.

KEY QUOTATIONS

“a plaintiff seeking IFP status must allege poverty with some particularity, definiteness and certainty.” (at 1)

FACTUAL BACKGROUND

Plaintiff reported monthly income of \$4,500, consisting of \$2,700 in employment income and \$1,800 in death benefits, and stated that she supported three minor children. Although the listed individual expenses totaled \$7,133, the application included \$3,000 for recreation and entertainment, which the court viewed as inconsistent with a finding that Plaintiff could not pay the filing fee. The form also indicated that Plaintiff had paid \$3,000 in cheer expenses in February 2025, creating uncertainty about whether the \$3,000 amount was actually a monthly expense.

PROCEDURAL HISTORY

Plaintiff filed the action and submitted an application to proceed in forma pauperis. The matter was referred to Magistrate Judge Sean C. Riordan under Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). The court found the financial showing insufficient, denied the motion without prejudice, and provided an opportunity to supplement the application or pay the filing fee.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Johns v. County of San Diego, 114 F.3d 874, 877 (9th Cir. 1997)
- Kamau v. Ertifai, 2025 WL 2373718, at *2 (D. Ariz. Aug. 14, 2025)
- Valentine v. Granville Realty, Inc., 2025 WL 1839935, at *2 (E.D. Cal. July 3, 2025)

OPINION

Tiffany Harrison Shabazz, et al. v. Mercy San Juan Medical Center, et al.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 TIFFANY HARRISON SHABAZZ, et al., No. 2:25-cv-02810-DJC-SCR 12 Plaintiffs,
ORDER 13 v.

14 MERCY SAN JUAN MEDICAL

CENTER, et al., 15 Defendants. 16 17 Plaintiff¹ is proceeding pro se in this matter, which is
referred to the undersigned pursuant 18 to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).
Before the court is Plaintiff's motion for 19 leave to proceed in forma pauperis. See 28 U.S.C. §
1915 (authorizing the commencement of an 20 action "without prepayment of fees or security" by
a person that is unable to pay such fees). ECF

21 No. 2.

22 The motion makes an insufficient showing to proceed in forma pauperis ("IFP"). The 23 Ninth
Circuit has recognized "one need not be absolutely destitute to obtain benefits" of the IFP 24
statute. *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). However, "a plaintiff 25 26 1
Plaintiff Tiffany Harrison Shabazz is the only person who has signed the complaint and purports to
bring the complaint on behalf of four minor children. However, a pro se plaintiff 27 cannot
represent others pro se, even minor children. See *Johns v. County of San Diego*, 114 F.3d 874, 877
(9th Cir. 1997) ("[W]e hold that a parent or guardian cannot bring an action on behalf of 28 a
minor child without retaining a lawyer."). 1 seeking IFP status must allege poverty with some
particularity, definiteness and certainty." *Id.* 2 (internal citation and quotation omitted). 3 Plaintiff
states she has monthly income of \$4,500 (\$2,700 from employment, and \$1,800 4 from "death
benefits"). ECF No. 2 at 1-2. Plaintiff states that she supports three minor children. 5 ECF No. 2 at
3. Plaintiff does not list a total for monthly expenses, but if the individual amounts 6 are tallied, it
is \$7,133. However, this includes \$3,000 for "recreation, entertainment, 7 newspapers, magazines,
etc." *Id.* at 4. If Plaintiff is expending \$3,000/month on recreation and 8 entertainment, that does
not support a finding that she qualifies for IFP status. See *Kamau v. 9 Ertifai*, 2025 WL 2373718, *
2 (D. Az. Aug. 14, 2025) ("Ultimately, although the disclosed 10 monthly expenses are greater
than the disclosed monthly income, it does not appear that all of the 11 disclosed monthly
expenses fall within the 'necessities of life' that justify IFP status."); *Valentine 12 v. Granville*
Realty, Inc., 2025 WL 1839935, at *2 (E.D. Cal. July 3, 2025) ("Courts have 13 consistently held
that IFP status should not be granted where an applicant can pay the filing fee 14 with acceptable
sacrifice to other expenses."). However, there is a later indication on the form 15 that she paid
\$3,000 for "cheer expenses," in February 2025, so perhaps Plaintiff incorrectly 16 included that
amount as a monthly expense. 17 Plaintiff's motion will therefor be denied. However, Plaintiff
may, if she chooses, file a 18 renewed motion to proceed IFP. If she does so, Plaintiff shall take

care to fully complete the 19 form, including listing a total monthly income, and total monthly expenses. 20 Accordingly, IT IS HEREBY ORDERED that: 21 1. Plaintiff's motion to proceed IFP (ECF No. 2) is DENIED without prejudice. 22 2. Plaintiff may file a renewed motion to proceed IFP that addresses the issues set forth 23 herein within 21 days of the date of this Order. 24 3. Alternatively, Plaintiff may pay the filing fee. 25 //// 26 //// 27 //// 28 ////] 4. If Plaintiff does not supplement the application or pay the filing fee within 21 days, 2 the Court may recommend that this action be dismissed. 3 IT IS SO ORDERED. 4 | DATED: October 14, 2025.

6 SEAN C. RIORDAN

7 UNITED STATES MAGISTRATE JUDGE

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