

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Baldwin v. Drellinger

Baldwin · No. 2:25-cv-0783-DC-SCR · Decided August 5, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice Byron William Baldwin’s application to proceed in forma pauperis. The court found that the application did not adequately specify the plaintiff’s income or identify his expenses and therefore did not establish an inability to pay the filing fee. The plaintiff was granted 30 days to submit a completed application or pay the filing fee.

OPINION

(PS) Baldwin v. Drellinger

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 BYRON WILLIAM BALDWIN, No. 2:25-cv-0783-DC-SCR

12 Plaintiff, 13 v. ORDER 14 DAVID DRELLINGER, doing business as

CALIFORNIA LEGAL DOCUMENT

15 PREPARATION,

16 Defendant. 17

18 Plaintiff is proceeding pro se in this action, which was accordingly referred to the 19 undersigned by Local Rule 302(c)(21). Plaintiff has filed a motion for leave to proceed in forma 20 pauperis (“IFP”) and submitted the affidavit required by that statute. ECF No. 2; see 28 U.S.C. 21 § 1915(a)(1). For the reasons detailed below, the undersigned recommends denying the motion.

22 I. LEGAL STANDARD

23 A court may authorize a person to proceed in an action without prepayment of fees if that 24 person “submits an affidavit that includes a statement of all assets...that the person is unable to 25 pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). The federal IFP statute, 26 however, requires federal courts to dismiss such a case if the action is legally “frivolous or 27 malicious,” fails to state a claim upon which relief may be granted or seeks monetary relief from 28 a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). In reviewing the 1 complaint, the Court is guided by the requirements of the Federal Rules of Civil Procedure. The 2

Federal Rules of Civil Procedure are available online at www.uscourts.gov/rules-policies/current-3-rules-practice-procedure/federal-rules-civil-procedure. Under the Federal Rules of Civil Procedure, the complaint must contain (1) a “short and plain statement” of the basis for federal jurisdiction (that is, the reason the case is filed in this court, rather than in a state court), (2) a short and plain statement showing that plaintiff is entitled to relief (that is, who harmed the plaintiff, and in what way), and (3) a demand for the relief sought. Fed. R. Civ. P. 8(a). Plaintiff’s claims must be set forth simply, concisely and directly. Fed. R. Civ. P. 8(d)(1). Forms are available to help pro se plaintiffs organize their complaint in the proper way. They are available at the Clerk’s Office, 501 I Street, 4th Floor (Rm. 4-200), Sacramento, CA 95814, or online at www.uscourts.gov/forms/pro-se-forms. A claim is legally frivolous when it lacks an arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the court will (1) accept as true all of the factual allegations contained in the complaint, unless they are clearly baseless or fanciful, (2) construe those allegations in the light most favorable to the plaintiff, and (3) resolve all doubts in the plaintiff’s favor. See *Neitzke*, 490 U.S. at 327. The court applies the same rules of construction in determining whether the complaint states a claim on which relief can be granted. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (court must accept the allegations as true); *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974) (court must construe the complaint in the light most favorable to the plaintiff). Pro se pleadings are held to a less stringent standard than those drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). However, the court need not accept as true conclusory allegations, unreasonable inferences, or unwarranted deductions of fact. *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does not suffice to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). To state a claim on which relief may be granted, the plaintiff must allege enough facts “to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has 1 facial plausibility when the plaintiff pleads factual content that allows the court to draw the 2 reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 3 678. A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity 4 to amend, unless the complaint’s deficiencies could not be cured by amendment. See *Akhtar v. 5 Mesa*, 698 F.3d 1202, 1213 (9th Cir. 2012).

6 II. COMPLAINT AND MOTION

7 Plaintiff’s Complaint names David Drellinger, doing business as California Legal 8 Document Preparation, as Defendant. ECF No. 1 at 1. The Complaint alleges that Drellinger was 9 hired to prepare legal documents in a wrongful foreclosure lawsuit, including lis pendens, an 10 application for a temporary restraining order, and a motion for a preliminary injunction. *Id.* at 2. 11 Had they been properly prepared, Plaintiff argues he would have been granted certain protections 12 prior to the case’s removal to federal court. *Id.* Drellinger instead deleted legal

arguments 13 without Plaintiff's consent, failed to file the TRO application before the case's removal to federal 14 court, used the wrong state's forms, and hinged fixing mistakes on additional payment from 15 Plaintiff. Id. at 2-3. 16 Plaintiff raises one claim for legal malpractice and negligence, and another for fraud and 17 deception. Id. at 3. Based on these claims, Plaintiff seeks \$150,000 in compensatory damages, 18 plus unspecified punitive and statutory damages, an injunction barring Defendant from legally 19 preparing documents without proper certification, and attorney's fees and costs. Id. at 4. 20 The IFP application asserts his sole source of income, renting out property on Airbnb, 21 earns him \$750 per unspecified pay period. ECF No. 2 at 1. Plaintiff has only \$12 in savings and 22 a 2002 Chevy Avalanche, but he does not detail any debts or expenses.

23 III. ANALYSIS

24 Plaintiff's application is vague as to his income by not specifying the pay period for which 25 he earns \$750. ECF No. 2 at 1. Whether Plaintiff earns \$750 per month or per week, particularly 26 for a self-priced service like renting property, is unclear. See id. More importantly, Plaintiff fails 27 to contrast this income against expenses like food, utilities, and rent or mortgage, whether for 28 himself or for any dependents. See id. at 2. The Court cannot determine the extent of any 1 | financial harm that would occur if Plaintiff needed to pay filing fees. 2 Leave to proceed in forma pauperis is denied without prejudice. Should Plaintiff seek to 3 || proceed in this action, he must either pay the filing fee or file a completed IFP application within 4 | 30 days. Such application should detail Plaintiffs current assets, income, and expenses by 5 || category, as to demonstrate that Plaintiff cannot pay the filing fees for this action. See 28 U.S.C. 6 || § 1915(a)(1).

7 IV. CONCLUSION

8 Accordingly, IT IS HEREBY ORDERED that: 9 1. Plaintiffs application to proceed IFP (ECF No. 2) is DENIED with leave to reapply 10 within 30 days or pay the required filing fee. 11 2. The Clerk of the Court is instructed to provide Plaintiff a blank IFP application form. 12 | DATED: August 5, 2025 14

15 SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE

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