

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Ryan Abair v. Saks Fifth Avenue Retail Company

No. 5:25-cv-00469-CV-SHK, United States District Court for the Central District of California (May 1, 2025)

SUMMARY

The court dismissed the action without prejudice because the plaintiff neither filed a complete request to proceed in forma pauperis nor paid the filing fee. The dismissal also rested on the plaintiff’s failure to comply with the court’s prior order directing her to correct the filing or pay the fee.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Cynthia Valenzuela
JURISDICTION	U.S. District Court
DECIDED	May 1, 2025
DOCKET	5:25-cv-00469-CV-SHK
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court sua sponte dismissed the civil action without prejudice after Plaintiff failed to submit a complete in forma pauperis request, pay the filing fee, and comply with a court order.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value

TOPICS

civil procedure

PRACTICE AREAS

Civil procedure In forma pauperis proceedings Federal filing fees

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice because Plaintiff failed to file a complete in forma pauperis request or pay the required filing fee.
- Whether the action should be dismissed without prejudice because Plaintiff failed to comply with the court's order.

HOLDINGS

1. A civil action may be dismissed without prejudice when the plaintiff neither establishes eligibility to proceed in forma pauperis through a complete request nor pays the required filing fee.
2. A district court may dismiss an action without prejudice when the plaintiff fails to comply with a court order requiring a completed in forma pauperis request or payment of the filing fee.

FACTUAL BACKGROUND

Plaintiff sought to proceed in forma pauperis while asserting that she had been unemployed for years, had no money in her accounts, and had no other source of income. The court found that Plaintiff's request did not explain how she could afford her daily living expenses. After being ordered to submit a completed form and a one-page explanation or pay the filing fee, Plaintiff filed unrelated or insufficient documents instead of complying.

PROCEDURAL HISTORY

Plaintiff submitted a request to proceed in forma pauperis. The court postponed ruling because the request did not explain how Plaintiff could afford living expenses despite claiming prolonged unemployment, no funds in accounts, and no other income, and ordered Plaintiff either to file a completed request with an explanatory statement or pay the filing fee within 30 days. Plaintiff filed several other documents but did not file the required form, provide the requested explanation, or pay the fee, leading to dismissal without prejudice.

DISPOSITION

dismissed

CASES CITED

- GMS Liberty LLC v. Hib, 2018 WL 1150839, at *1 (S.D. Cal. Mar. 2, 2018)
- Holland v. Lake Cnty. Mun. Gov't, 2013 WL 2456105, at *2 (N.D. Ind. June 6, 2013)
- Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995)
- Roberts v. Soc. Sec. Dep't, 2022 WL 4088755, at *2 (S.D. Cal. Sept. 6, 2022)
- Jeffrey H. v. Comm'r, Soc. Sec. Admin., 2019 WL 2870082, at *2 (D. Or. July 3, 2019)