

**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)

OPINION

Ryan Abair v. Saks Fifth Avenue Retail Company

PER CURIAM.

JS-6

CIVIL MINUTES – GENERAL

Case No. 5:25-cv-00469-CV-SHK Date: May 1, 2025 Title: Ryan Abair v. Saks Fifth Avenue Retail Company Present: The Honorable CYNTHIA VALENZUELA, U.S. District Judge Jessica Cortes Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff: Attorneys Present for Defendant: None Present None Present Proceedings (In Chambers): ORDER DISMISSING CASE FOR FAILING TO FILE A COMPLETE IN FORMA PAUPERIS REQUEST OR PAY FILING FEE, AND FOR FAILING TO FOLLOW COURT ORDER

All parties instituting a civil action, suit, or proceeding in a district court of the United States must pay a filing fee. 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay the filing fee only if the party is granted leave to proceed in forma pauperis under 28 U.S.C. § 1915(a) (1). On March 13, 2025, the Court postponed ruling on Plaintiff's request to proceed in forma pauperis ("Request") because it was incomplete. (Docket Nos. 2, 11). Specifically, the Court noted it was unclear how Plaintiff could afford to live and pay for daily expenses if she has been unemployed for years, has no money in her accounts, and has no other source of income. (Docket No. 11 (citing *GMS Liberty LLC v. Hib*, 2018 WL 1150839, at *1 (S.D. Cal. Mar. 2, 2018) (in forma pauperis status denied because plaintiff failed to explain how he managed to pay for expenses while alleging he had no income of any kind); *Holland v. Lake Cnty. Mun. Gov't*, 2013 WL 2456105, at *2 (N.D. Ind. June 6, 2013))). The Court JS-6

CIVIL MINUTES – GENERAL

Case No. 5:25-cv-00469-CV-SHK Date: May 1, 2025 Title: Ryan Abair v. Saks Fifth Avenue Retail Company directed Plaintiff to either: (1) refile a fully completed Request on the Court's CV- 60 form and file a one-page statement explaining the discrepancy; or (2) pay the full filing fee. (Docket No. 11). The Court warned that if Plaintiff did not comply within 30 days, the case would be dismissed without prejudice. (*Id.*). Instead of complying, Plaintiff filed a "Request for Set of Interrogatories and Requests for Production from Defendant" (Docket No. 14), "Notice of

Correction of Defendant's Name" (Docket No. 15), "Declaration Establishing Amount Due" (Docket No. 16), a four-page "Explanation for Denial or Delay of Fee Waiver" (Docket No. 17), and a sixty-nine page "Declaration Establishing Sum Certain" (Docket No. 18). None of the documents explain how Plaintiff can afford to live and pay for expenses if she has been unemployed, has no money in her accounts, and has no other source of income. (Docket No. 11). Additionally, Plaintiff never refiled her Request on the Court's CV-60 form, as directed. (Id.). Accordingly, this action is DISMISSED without prejudice for failing to file a complete Request or pay the filing fee, and for failing to comply with the Court's Order. See, e.g., *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) (action may be dismissed without prejudice where plaintiff fails to establish in forma pauperis status and does not pay required filing fee); *Jeffrey H. v. Comm'r, Soc. Sec. Admin.*, 2019 WL 2870082, at *2 (D. Or. July 3, 2019) (dismissing for failing to prosecute and comply with court orders where plaintiff failed to follow scheduling rules and order). All other pending matters are TERMINATED. IT IS SO ORDERED.