

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

**Zaragoza v. Cervantes**

Zaragoza · No. 25-cv-1098-MMA-KSC · Decided May 2, 2025

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OPINION

Zaragoza v. Cervantes

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 SOUTHERN DISTRICT OF CALIFORNIA

9 10 PAUL ZARAGOZA, Case No.: 25-cv-1098-MMA-KSC

CDCR # F16090,

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ORDER DISMISSING CIVIL

Plaintiff,

12 ACTION FOR FAILURE TO PAY

vs. FILING FEES REQUIRED BY

13

28 U.S.C. § 1914(a) AND/OR FOR

14 FAILURE TO PROPERLY MOVE

G. CERVANTES, J. WEBER, TO PROCEED IN FORMA

15

PAUPERIS PURSUANT TO

16 Defendants. 28 U.S.C. § 1915(a)

17 18 19 Plaintiff Paul Zaragoza (“Plaintiff”), an inmate currently confined at Kern Valley 20  
State Prison and proceeding pro se, has filed a civil rights complaint pursuant to 42 21 U.S.C. §  
1983. See Doc. No. 1. He alleges Defendants violated his constitutional rights 22 when they found  
him guilty of a rule violation without supporting evidence. See id. at 3. 23 All parties instituting  
any civil action, suit or proceeding in a district court of the 24 United States, except an application  
for writ of habeas corpus, must pay a filing fee of 25 \$405.1 See 28 U.S.C. § 1914(a). The action  
may proceed despite a plaintiff’s failure to 26 27 1 In addition to the \$350 statutory fee, civil  
litigants must pay an additional administrative fee of \$55. 28 1 prepay the entire fee only if he is  
granted leave to proceed in forma pauperis (“IFP”) 2 pursuant to 28 U.S.C. § 1915(a). See  
Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th

3 Cir. 2007); Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999). However, a prisoner

4 who is granted leave to proceed IFP remains obligated to pay the entire fee in 5 “increments” or  
“installments,” *Bruce v. Samuels*, 577 U.S. 82, 84 (2016); *Williams v. 6 Paramo*, 775 F.3d 1182,  
1185 (9th Cir. 2015), and regardless of whether his action is 7 ultimately dismissed. See 28 U.S.C.  
§ 1915(b)(1) & (2); *Taylor v. Delatoore*, 281 F.3d 844, 847 (9th Cir. 2002). 9 Plaintiff has not  
prepaid the \$405 in filing and administrative fees required to 10 commence this civil action, nor  
has he submitted a properly supported Motion to Proceed 11 IFP pursuant to 28 U.S.C. § 1915(a).  
Therefore, his case cannot yet proceed. See 28 12 U.S.C. § 1914(a); *Andrews*, 493 F.3d at 1051.  
13 Accordingly, the Court: 14 (1) DISMISSES this civil action sua sponte without prejudice based  
on 15 Plaintiff’s failure to pay the \$405 civil filing and administrative fee or to submit a Motion  
16 to Proceed IFP pursuant to 28 U.S.C. § 1914(a) and § 1915(a); 17 (2) GRANTS Plaintiff forty-  
five (45) days leave from the date this Order is 18 filed to: (a) prepay the entire \$405 civil filing  
and administrative fee in full; or 19 (b) complete and file a Motion to Proceed IFP which includes  
a certified copy of his trust 20 account statement for the 6-month period preceding the filing of his  
Complaint. See 28 21 U.S.C. § 1915(a)(2); S.D. Cal. Civ. L.R. 3.2(b)2; and 22 23 (eff. Dec. 1,  
2023). The additional \$55 administrative fee does not apply to persons granted leave to 24  
proceed IFP. Id. 25 2 Plaintiff is cautioned that if he chooses to re-open the case by either  
prepaying the full \$405 civil filing fee, or by submitting a properly supported Motion to Proceed  
IFP, his Complaint will be subject to an 26 initial review and may be dismissed sua sponte  
pursuant to 28 U.S.C. § 1915A(b) and/or 28 U.S.C. § 1915(e)(2)(B), regardless of whether he  
pays the full filing fee at once, or is granted IFP status and is 27 obligated to pay the full filing fee  
in installments. See *Lopez v. Smith*, 203 F.3d 1122, 1126–27 (9th Cir. 2000) (en banc) (noting that  
28 U.S.C. § 1915(e) “not only permits but requires” the court to sua sponte 28 l (3) DIRECTS the  
Clerk of the Court to provide Plaintiff with a Court-approved 2 || form “Motion and Declaration in  
Support of Motion to Proceed IFP” for his use and 3 ||convenience. Should Plaintiff neither pay  
the \$405 filing fee in full nor sufficiently 4 ||complete and file the attached Motion and  
Declaration to Proceed IFP within 45 days, 5 || this civil action will remain dismissed without  
prejudice pursuant to 28 U.S.C. § 1914(a), 6 without further Order of the Court. 7 IT IS SO  
ORDERED. 8 Dated: May 2, 2025 9 Wiaths LTUu- / hiphlr

10 HON. MICHAEL M. ANELLO

11 United States District Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 || 27 || damages  
from defendants who are immune); see also *Rhodes v. Robinson*, 621 F.3d 1002, 1004 (9th Cir. 2g  
|| 2010) (discussing similar screening required by 28 U.S.C. § 1915A of all complaints filed by  
prisoners seeking redress from a governmental entity or officer or employee of a governmental  
entity”).