

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Richard Woods v. T. Taylor, et al.

Woods v. Taylor · No. 1:25-cv-01449-SKO · Decided January 12, 2026

SUMMARY

The United States Magistrate Judge recommends denying Richard Woods’s application to proceed in forma pauperis in his 42 U.S.C. § 1983 action. The court found that deposits to and discretionary commissary spending from Woods’s inmate trust account showed he had sufficient funds to pay the \$405 filing fee. The recommendation also directs Woods to pay the filing fee within 30 days and provides a 14-day period for objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 12, 2026
DOCKET	1:25-cv-01449-SKO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil rights action under 42 U.S.C. § 1983 and applied to proceed in forma pauperis. The magistrate judge issued findings and recommendations recommending denial of the application and requiring payment of the filing fee.
STANDARD OF REVIEW	The court determined whether Plaintiff demonstrated indigence sufficient to proceed in forma pauperis and considered his inmate-account deposits and spending during the relevant six-month period.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated indigence sufficient to proceed in forma pauperis.
2. Whether the court could consider deposits and commissary purchases from Plaintiff's inmate trust account in determining his eligibility to proceed in forma pauperis.
3. Whether Plaintiff should be required to pay the \$405 filing fee after failing to establish indigence.

HOLDINGS

1. A prisoner who had sufficient funds during the relevant period to pay the filing fee, and who spent more than twice the filing fee on snack items, failed to demonstrate indigence and should not be permitted to proceed in forma pauperis.
2. The available inmate-account records supported denial of Plaintiff's in forma pauperis application despite his low current balance.

KEY QUOTATIONS

“Proceeding IFP “is a privilege not a right.”” (at 2)

“In sum, Plaintiff has failed to show he was indigent.” (at 5)

FACTUAL BACKGROUND

Plaintiff's in forma pauperis application showed monthly balances and deposits exceeding \$490, although his balance at the time of filing was \$0.28. The court reviewed records showing 17 deposits totaling \$3,252.33 during the relevant period and approximately \$860 in snack-item purchases. Plaintiff did not submit the required declaration under penalty of perjury explaining his deposits and purchases.

PROCEDURAL HISTORY

The court ordered Plaintiff to submit an in forma pauperis application or pay the filing fee. After Plaintiff submitted an incomplete inmate trust account statement and later documents without the required declaration under penalty of perjury, the court reviewed the available financial records. The magistrate judge recommended denying in forma pauperis status and ordering Plaintiff to pay the \$405 filing fee within 30 days, subject to a 14-day objection period and review by an assigned district judge.

DISPOSITION

other

CASES CITED

- Smart v. Heinze, 347 F.2d 114, 116 (9th Cir. 1965)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Taylor v. Delatoore, 281 F.3d 844, 849 (9th Cir. 2002)

- Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995)
- Lumbert v. Illinois Department of Corrections, 827 F.2d 257, 260 (7th Cir. 1987)
- Casey v. Haddad, No. 1:21-CV-00855-SKO-PC, 2021 WL 2954009, at *1 (E.D. Cal. June 17, 2021)
- Riddell v. Frye, No. 1:21-CV-01065-SAB-PC, 2021 WL 3411876, at *1 (E.D. Cal. July 9, 2021)
- Hammler v. Dignity Health, No. 1:20-cv-01778-JLT-HBK, 2022 WL 206757, at *2 (E.D. Cal. Jan. 24, 2022)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 RICHARD WOODS, Case No.: 1:25-cv-01449-SKO 12 Plaintiff,
FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF’S APPLICATION TO 13 v.
PROCEED IN FORMA PAUPERIS 14 T. TAYLOR, et al., (Doc. 5) 15 Defendants. 14-DAY
OBJECTION PERIOD 16 Clerk of the Court to Assign District Judge 17 18 Plaintiff Richard
Woods is appearing pro se in this civil rights action pursuant to 42 19 U.S.C. section 1983.

20 I. BACKGROUND 21 On October 31, 2025, the Court issued its Order to Submit Application
to Proceed In 22 Forma Pauperis or Pay Filing Fee Within 45 Days. (Doc. 3.) On November 18,
2025, Plaintiff 23 filed an Application to Proceed In Forma Pauperis (IFP) by a Prisoner. (Doc. 5.)
24 On November 20, 2025, the Court issued an Order Directing Plaintiff to Provide an 25 Inmate
Trust Account Statement Within 14 Days.

(Doc. 1.) On December 3, 2025, Plaintiff filed 26 an untitled document, docketed as an Inmate
Trust Account Statement, indicating he was 27 providing his “6 Month Trust Account Statement.”
(Doc. 7.) 1 On December 4, 2025, the Court issued an Order Regarding Plaintiff’s Filing of 2
December 2, 2025, and Order Directing Plaintiff to Provide a Complete Inmate Trust Account 3
Statement and Declaration Under Penalty of Perjury Explaining Deposits and Withdrawals.

(Doc. 4 8.) Following an extension of time (see Docs. 9 & 10), on January 8, 2026, Plaintiff
submitted a 5 document titled “Response Motion to the Court Order Directing Plaintiff to Provide
a Complete 6 Inmate Trust Account Statement and Declaration Under Penalty of Perjury
Explaining Deposits 7 and Withdrawals.” (Doc. 11.)

The 33-page submission includes numerous documents pertaining 8 to Plaintiff’s inmate trust
account maintained at FCI Mendota. (Id. at 2-33.) Plaintiff did not 9 provide a declaration under
penalty of perjury and the first page of the filing is not signed under 10 penalty of perjury. 11 II.
DISCUSSION 12 Plaintiff seeks to proceed IFP in this action.

The undersigned must determine whether 13 Plaintiff is entitled to do so. Plaintiff failed to provide
a declaration under penalty of perjury 14 explaining “[a]ll deposits made during the relevant
period, including identifying the source of the 15 deposited funds, whether inmate pay or gift, or

otherwise; and ... [a]ll purchases and/or sale 16 transactions made during the relevant period, identifying the item or items purchased for each 17 transaction.” (See Doc.

8 at 3.) The Court, however, considered the documents submitted as 18 discussed below. 19 Plaintiff’s Submission 20 Plaintiff states he “finally got the prison to give him everything the Court have been 21 asking for inside this letter/envelope, his 6 month inmate trust account statements.” (Doc. 11 at 22 1.)

The attached documents, dated January 5, 2026, include the following: (1) a one-page 23 document titled “ViewDepositsCombined” (id. at 2); (2) a one-page document titled 24 “ViewITSCombined” (id. at 3); (3) several pages titled “InmateStatementCombined,” covering 25 the period between 4/7/25 and 12/29/25 (id. at 4-12); (4) and several pages concerning sales 26 transactions or “commissary receipts” for the relevant period (id. at 13-33).

27 // 1 Applicable Legal Standards 2 Proceeding IFP “is a privilege not a right.” *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 3 1965). Although an IFP applicant need not be “destitute,” a showing of indigence is required. 4 *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948) (recognizing that an 5 ability not to be able to pay for oneself and his dependents “the necessities of life” is sufficient).

6 Thus, a plaintiff must allege indigence “with some particularity, definiteness and certainty” 7 before IFP can be granted. *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981). 8 Prisoners, unlike non-prisoner litigants, are in custody “and accordingly have the ‘essentials of 9 life’ provided by the government.” *Taylor v. Delatoore*, 281 F.3d 844, 849 (9th Cir.

2002). 10 Courts may take into consideration deposits and purchases in determining whether an 11 individual should be granted IFP status. *Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995) 12 (citation omitted) (courts are entitled to consider plaintiffs’ “economic choices about how to 13 spend [their] money” when considering applications to proceed IFP); see also *Lumbert v. Illinois* 14 Dep’t of Corr., 827 F.2d 257, 260 (7th Cir.

1987) (“If the inmate thinks that a more worthwhile 15 use of his funds would be to buy peanuts and candy... than to file a civil rights suit, he has 16 demonstrated an implied evaluation of the suit that the district court is entitled to honor”). 17 The courts are inclined to reject IFP applications where an applicant can pay the filing fee 18 with an acceptable sacrifice to other expenses.

See, e.g., *Casey v. Haddad*, No. 1:21-CV-00855- 19 SKO-PC, 2021 WL 2954009, at *1 (E.D. Cal. June 17, 2021), report and recommendation 20 adopted, No. 1:21-CV-00855-DAD-SKO-PC, 2021 WL 2948808 (E.D. Cal. July 14, 2021) 21 (finding prior balance of \$1000, despite being decreased to \$470 shortly before filing action 22 sufficient to pay \$402 filing fee); *Riddell v. Frye*, No. 1:21-CV-01065-SAB-PC, 2021 WL 23 3411876, at *1 (E.D.

Cal. July 9, 2021), report and recommendation adopted, No. 1:21-CV- 24 01065-DAD-SAB-PC, 2021 WL 3472209 (E.D. Cal. Aug. 6, 2021) (finding available balance of 25 \$1297.21 sufficient to pay \$402 filing fee and denying IFP). 26 Analysis 27 As previously noted, Plaintiff's November 18, 2025, IFP application indicates that Case 1 account monthly balance and deposits amounted to more than \$490, a sum greater than the 2 applicable \$405 filing fee, despite a then-current balance of \$0.28.

(See Doc. 8; see also Doc. 5 at 3 2.) Because the IFP application did not include a certified copy of Plaintiff's inmate trust account, 4 the Court ordered one to determine whether Plaintiff is entitled to proceed IFP. (Id.) 5 The Court has reviewed the documents provided by Plaintiff. Considering the relevant 6 period — the six months prior to Plaintiff filing suit, or April 30 to October 30, 2025 —17 7 deposits were made to Plaintiff's inmate trust account totaling \$3,252.33 (Doc.

11 at 2.)1 8 As for commissary purchases during that period, in June 2025, Plaintiff made a 9 commissary purchase totaling \$359.95. Although several purchases involved hygiene products or 10 other non-consumable items2 (e.g., toothpaste, soap), most of the items purchased were snack 11 items like cookies, pastries, chips, crackers, candy, ramen and nuts. (Doc.

11 at 13.) In round 12 numbers, those snack items totaled \$176. (Id.) On July 9, 2025, Plaintiff's commissary purchase 13 totaled \$99.05 with approximately \$80 consisting of snack items. (Id. at 14.) On July 30, 2025, 14 Plaintiff purchased \$199.80 in commissary goods; snack items totaled approximately \$97 on that 15 occasion. (Id. at 16.)

On August 5, 2025, Plaintiff purchased \$90.35 in commissary goods; snack 16 items totaled approximately \$66. (Id. at 17.) Of the \$159.80 spent on August 20, 2025, \$102 was 17 for snack items. (Id. at 18.) Of the \$99.85 spent on September 5, 2025, \$48 was for snack items. 18 (Id. at 19.) Then, on September 24, 2025, of the total \$263.65 spent, \$117 was used to purchase 19 snack items.

(Id. at 20.) On October 7, 2025, Plaintiff spent \$28 on snack items from a total 20 \$79.88 commissary purchase. (Id. at 22.) On October 21, 2025, he spent \$54 on snacks out of a 21 \$112.15 total. (Id. at 23.) Finally, on October 28, 2025, Plaintiff's commissary purchases totaled 22 \$280.05; of those, snack items totaled approximately \$92. (Id. at 24-25.) 23 Accordingly, during the relevant period, Plaintiff received more than \$3,000 in deposits 24 and purchased a total of about \$860 in snack items with those funds.

Olivares, 59 F.3d at 112; see 25 26 1 The Court did not consider the twenty "Phone Transfers" totaling 318.66. (See Doc. 11 at 3.) 27 2 The Court did not consider all food purchases to be snack purchases. For example, rice, beans, coffee, and peppers or chilies were not counted as snacks. 1 also Hammler v. Dignity Health, No. 1:20-cv-01778-JLT-HBK, 2022 WL 206757, at *2 (E.D.

2 Cal. Jan. 24, 2022) (“A court need not authorize a party to proceed in forma pauperis where that
3 individual had the funds to pay the filing fee, but subsequently chose to spend them elsewhere”),
4 recommendation adopted, 2023 WL 4305451 (E.D. Cal. June 30, 2023). 5 In sum, Plaintiff has
failed to show he was indigent. Adkins, 335 U.S. at 339-40; Taylor, 6 281 F.3d at 849; McQuade,
647 F.2d at 940.

Plaintiff had sufficient funds to pay the \$405 filing 7 fee for this action during the relevant period,
particularly where he spent more than twice the 8 filing fee on snack items. Olivares, 59 F.3d at
112; Lumbert, 827 F.2d at 260; Hammler, 2022 9 WL 206757, at *2; Casey, 2021 WL 2954009, at
*1. 10 III. CONCLUSION AND RECOMMENDATION 11 The Court HEREBY ORDERS the
Clerk of the Court to randomly assign a district judge 12 to this action.

13 Based on the foregoing, the Court HEREBY RECOMMENDS that: 14 1. Plaintiff’s IFP
application (Doc. 5) be DENIED because he had sufficient funds with 15 which to pay the
required \$405 filing fee; and 16 2. Plaintiff be ordered to pay the required \$405 filing fee within
30 days. 17 These Findings and Recommendations will be submitted to the United States District
18 Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(l).

Within 14 days 19 after being served with a copy of these Findings and Recommendations, a party
may file written 20 objections with the Court. Local Rule 304(b). The document should be
captioned, “Objections to 21 Magistrate Judge’s Findings and Recommendations” and shall not
exceed fifteen (15) pages 22 without leave of Court and good cause shown.

The Court will not consider exhibits attached to 23 the Objections. To the extent a party wishes to
refer to any exhibit(s), the party should reference 24 the exhibit in the record by its CM/ECF
document and page number, when possible, or otherwise 25 reference the exhibit with specificity.
Any pages filed in excess of the fifteen (15) page limitation 26 may be disregarded by the District
Judge when reviewing these Findings and Recommendations 27 under 28 U.S.C. § 636(b)(l)(C).

A party’s failure to file any objections within the specified time 1 may result in the waiver of
certain rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 2 (9th Cir. 2014). 3 IT IS SO
ORDERED. 4 5 Dated: January 12, 2026 /s/ Sheila K. Oberto. UNITED STATES MAGISTRATE
JUDGE 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27