

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Farley Thomas III v. TransUnion Corp., et al.

No. 2:25-cv-01943-APG-MDC (D. Nev. Dec. 9, 2025) · No. 2:25-cv-01943-APG-MDC · Decided December 9, 2025

SUMMARY

The United States District Court for the District of Nevada denies Farley Thomas III’s application to proceed in forma pauperis without prejudice. The court finds that the Short Form application contains deficiencies and orders plaintiff either to submit a complete Long Form application or pay the full \$405 filing fee by January 14, 2026.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Maximiliano D. Couvillier II
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 9, 2025
DOCKET	2:25-cv-01943-APG-MDC
DISPOSITION	other
PROCEDURAL POSTURE	The court considered pro se plaintiff Farley Thomas III's application to proceed in forma pauperis in a civil action.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown

TOPICS

- civil procedure
- costs
- consumer protection

PRACTICE AREAS

- Civil procedure
- In forma pauperis proceedings
- Consumer credit litigation

QUESTIONS PRESENTED

- Whether plaintiff's Short Form in forma pauperis application sufficiently demonstrated that he was unable to pay the filing fee.
- Whether the court should allow plaintiff to cure deficiencies in the application by submitting a completed Long Form application or paying the filing fee.

HOLDINGS

1. The application was insufficient because it contained illegible or incomplete information and did not provide enough detail for the court to determine plaintiff's financial status and inability to pay.
2. The application was denied without prejudice, and plaintiff was permitted either to file a complete Long Form application curing the identified deficiencies or to pay the full filing fee.

KEY QUOTATIONS

“An applicant need not be destitute to qualify for a waiver of costs and fees, but he must demonstrate that because of his poverty he cannot pay those costs and still provide himself with the necessities of life.” (at 1)

“Based on this information, it is not clear why the plaintiff cannot afford to pay the filing fee.” (at 2)

FACTUAL BACKGROUND

Plaintiff submitted a Short Form in forma pauperis application. The application was difficult to read, did not clarify whether his wife's \$500 contribution was weekly or monthly, left the checking-or-savings-account question blank, and provided percentages rather than amounts for support of minor children. Because of these deficiencies, the court could not determine why plaintiff was unable to pay the filing fee.

PROCEDURAL HISTORY

Plaintiff submitted a Short Form application to proceed in forma pauperis. The court found the application deficient and unable to establish plaintiff's financial eligibility, denied the application without prejudice, and allowed plaintiff until January 14, 2026, either to submit a completed Long Form application or pay the \$405 filing fee.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1235 (9th Cir. 2015)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Marin v. Hahn, 271 Fed. App'x 578 (9th Cir. 2008)
- Harper v. San Diego City Admin. Bldg., No. 16cv00768 AJB (BLM), 2016 U.S. Dist. LEXIS 192145, at 1 (S.D. Cal. June 9, 2016)
- Kennedy v. Huibregtse, 831 F.3d 441, 443-44 (7th Cir. 2016)
- Greco v. NYE Cty. Dist. Judge Robert Lane, No. 215CV01370MMDPAL, 2016 WL 7493981, at 3 (D. Nev. Nov. 9, 2016)
- Greco v. Lake, No. 215CV001370MMDPAL, 2016 WL 7493963 (D. Nev. Dec. 30, 2016)
- Thomas v. Arn, 474 U.S. 140, 142 (1985)

- *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991)
- *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 Farley Thomas III, 2:25-cv-01943-APG-MDC 4 Plaintiff, 5 vs. ORDER DENYING PLAINTIFF’S APPLICATION TO PROCEED IN FORMA 6 TransUnion Corp., et al., PAUPERIS (ECF NO. 1) 7 Defendants. 8 Pending before the Court is pro se plaintiff Farley Thomas III’s Application to Proceed In 9 Forma Pauperis (“IFP”) (ECF No. 1).

The Court DENIES the IFP application without prejudice. 10 Plaintiff must either file a new Long Form IFP application OR pay the full filing \$405 fee by January 11 14, 2026. 12 DISCUSSION 13 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of fees or 14 security thereof” if the plaintiff submits a financial affidavit that demonstrates the plaintiff “is unable to 15 pay such fees or give security therefor.” The Ninth Circuit has recognized that “there is no formula set 16 forth by statute, regulation, or case law to determine when someone is poor enough to earn IFP status.” 17 *Escobedo v. Applebees*, 787 F.3d 1226, 1235 (9th Cir.

2015). An applicant need not be destitute to 18 qualify for a waiver of costs and fees, but he must demonstrate that because of his poverty he cannot pay 19 those costs and still provide himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & 20 Co.*, 335 U.S. 331, 339 (1948). 21 The applicant’s affidavit must state the facts regarding the individual’s poverty “with some 22 particularity, definiteness and certainty.” *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir.

1981) 23 (citation omitted). If an individual is unable or unwilling to verify his or her poverty, district courts have 24 the discretion to make a factual inquiry into a plaintiff’s financial status and to deny a request to proceed 25 1 in forma pauperis. See, e.g., *Marin v. Hahn*, 271 Fed.Appx. 578 (9th Cir. 2008) (finding that the district 2 court did not abuse its discretion by denying the plaintiff’s request to proceed IFP because he “failed to 3 verify his poverty adequately”). “Such affidavit must include a complete statement of the plaintiff’s 4 personal assets.” *Harper v. San Diego City Admin.*

Bldg., No. 16cv00768 AJB (BLM), 2016 U.S. Dist. 5 LEXIS 192145, at 1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient grounds in 6 themselves for denying an in forma pauperis application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441, 443- 7 44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on in forma 8 pauperis application).

9 The District of Nevada has adopted three types of IFP applications: a “Prisoner Form” for 10 incarcerated persons and a “Short Form” (AO 240) and “Long Form” (AO 239) for non-incarcerated 11 persons. The Long Form requires more detailed information than the Short Form.

The court typically does not order an applicant to submit the Long Form unless the Short Form is inadequate, more information is needed, or it appears that the plaintiff is concealing information about his income for determining whether the applicant qualifies for IFP status. When an applicant is specifically ordered to submit the Long Form, the correct form must be submitted, and the applicant must provide all the information requested in the Long Form so that the court is able to make a fact finding regarding the applicant's financial status.

See e.g. *Greco v. NYE Cty. Dist. Judge Robert Lane*, No. 215CV01370MMDPAL, 2016 WL 7493981, at 3 (D. Nev. Nov. 9, 2016), report and recommendation adopted sub nom. *Greco v. Lake*, No. 215CV001370MMDPAL, 2016 WL 7493963 (D. Nev. Dec. 30, 2016). The Court finds that it cannot determine plaintiff's IFP status at this time. Plaintiff filed a Short Form IFP application (ECF No. 1); however, the Court notes that it contains deficiencies.

Plaintiff's handwriting is difficult to read. ECF No. 1 at 1. Plaintiff indicates that his wife contributes \$500 but it is not clear if he means per week or per month. *Id.* Plaintiff leaves question four, which asks about his checking or savings account, blank. ECF No. 1 at 2. Plaintiff also to provide amounts in response to question No. 7 regarding supporting minor children.

Plaintiff must provide amounts not percentages. Based on this information, it is not clear why the plaintiff cannot afford to pay the filing fee. The Court cannot determine plaintiff's IFP status at this time.

The Court will give plaintiff another opportunity to file his IFP application. If plaintiff wishes to proceed in forma pauperis, plaintiff must complete a Long Form IFP application. Plaintiff also cannot leave any questions blank. Plaintiff must provide an explanation for his answers to the questions. **ACCORDINGLY, IT IS ORDERED that:**

The IFP application (ECF No. 1) is **DENIED WITHOUT PREJUDICE**. Plaintiff must either: (1) file a Long Form IFP application, curing the deficiencies and inconsistencies noted in this Order, or (2) pay the full \$405 filing fee by January 14, 2026. Failure to timely comply with this Order may result in a recommendation that this case be dismissed.

IT IS SO ORDERED., I agree if Hon. Maxine D. Couplier II United States Magistrate Judge **NOTICE** Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days.

LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections

within the specified time and (2) 2 failure to properly address and brief the objectionable issues waives the right to appeal the District 3 Court's order and/or appeal factual issues from the order of the District Court.

Martinez v. Ylst, 951 F.2d 4 1153, 1157 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983). 5 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any 6 change of address.

The notification must include proof of service upon each opposing party's attorney, 7 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may 8 result in dismissal of the action. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25