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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

TRAVIS J. YOUNG,  
CDCR #BF-0681,

Plaintiff,

vs.

ESCONDIDO POLICE  
DEPARTMENT; VISTA, SAN  
DIEGO DISTRICT ATTORNEY;  
SAN DIEGO GAS AND  
ELECTRIC; VISTA, SAN  
DIEGO SUPERIOR COURT;  
SAN DIEGO SHERIFF  
PROBATION DEPARTMENT;  
PUBLIC DEFENDERS VISTA  
SAN DIEGO BRANCH;  
EUGENE MITCHELL; and  
TREAMINE BRADFORD;

Defendants.

Case No.: 3:18-cv-00497-WQH-WVG

**ORDER**

On March 7, 2018, Plaintiff Travis Young filed this pro se civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1). Young is incarcerated at Wasco State Prison in Wasco, California. *Id.* at 1. Young has not prepaid the civil filing fee required by 28 U.S.C.

1 § 1914(a), but has filed a Motion to Proceed *In Forma Pauperis* (“*IFP*”) pursuant to 28  
2 U.S.C. § 1915(a) (ECF No. 2). Young has also filed an ex parte letter to the Court in which  
3 he requests the appointment of counsel.<sup>1</sup>

4 All parties instituting any civil action, suit, or proceeding in a district court of the  
5 United States, except an application for writ of habeas corpus, must pay a filing fee of  
6 \$400. *See* 28 U.S.C. § 1914(a).<sup>2</sup> An action may proceed despite a plaintiff’s failure to  
7 prepay the entire fee only if he is granted leave to proceed *IFP* pursuant to 28 U.S.C.  
8 § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). Prisoners seeking  
9 leave to proceed *IFP* must also submit a “certified copy of the[ir] trust fund account  
10 statement (or institutional equivalent) . . . for the 6-month period immediately preceding  
11 the filing of the complaint.” 28 U.S.C. § 1915(a)(2). A “prisoner” is defined as “any  
12 person” who, at the time of filing, is “incarcerated or detained in any facility who is accused  
13 of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or  
14 the terms or conditions of parole, probation, pretrial release, or diversionary program.” 28  
15 U.S.C. § 1915(h); *Taylor*, 281 F.3d at 847.

16 Young has not filed a certified copy of his WSP trust account statements for the 6-  
17 month period immediately preceding the filing of his Complaint. Therefore, Young’s  
18 Motion to Proceed *IFP* (ECF No. 2), as well as Young’s request for the appointment of  
19 counsel (ECF No. 5), which also depends on proof of his indigence, are denied. *See*  
20 *Agyeman v. Corr. Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004) (noting that,  
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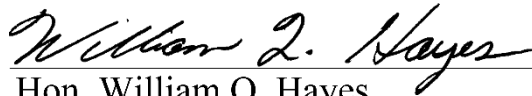
22  
23 <sup>1</sup> Young’s letter also requests that *Young v. Cunanan et al.*, Civil Case No. 3:05-cv-01397-H-AJB,  
24 (“*Young v. Cunanan*”) be “retroactively open[ed] and settle[d].” (ECF No. 5 at 1). On July 14, 2006,  
25 Judge Huff remanded *Young v. Cunanan* to the Superior Court of San Diego County pursuant to a joint  
26 stipulation by the parties. *Young v. Cunanan* ECF No. 49. On March 22, 2018, Judge Huff denied  
27 Plaintiff’s request to re-open *Young v. Cunanan*. *See Young v. Cunanan* ECF No. 52.

28 <sup>2</sup> In addition to the \$350 statutory fee, civil litigants must pay an administrative fee of \$50. *See* 28  
U.S.C. § 1914(a) (Judicial Conference Schedule of Fees, District Court Misc. Fee Schedule, § 14 (eff.  
June. 1, 2016)). The additional \$50 administrative fee does not apply to persons granted leave to proceed  
*IFP*. *Id.*

1 while the *IFP* statute grants the district court limited discretion to “request” that an attorney  
2 represent an indigent civil litigant, that discretion is exercised only under “exceptional  
3 circumstances.”).

4 Young’s Motion to Proceed *IFP* (ECF No. 2) and his request to appoint counsel  
5 (ECF No. 5) are DENIED. Young’s Complaint (ECF No. 1) is DISMISSED without  
6 prejudice. Young may re-open this case by, on or before June 11, 2018, either: (1) paying  
7 the entire \$400 filing fee, or (2) filing a new Motion to Proceed *IFP* and attaching a certified  
8 copy of his trust account statement for the 6-month period preceding the filing of his  
9 Complaint in compliance with 28 U.S.C. § 1915(a)(2) and S.D. Cal. CivLR 3.2(b). The  
10 Clerk of the Court is DIRECTED to provide Young with a Court-approved form “Motion  
11 and Declaration in Support of Motion to Proceed *IFP*.”

12 Dated: April 17, 2018

  
13 Hon. William Q. Hayes  
14 United States District Court  
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