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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER K. ALONSO,
Plaintiff,
v.
SAN DIEGO COUNTY SHERRIFF
DEPARTMENT,
Defendant.

Case No.: 3:22-cv-97-CAB-WVG

**ORDER DENYING WITHOUT
PREJUDICE APPLICATION TO
PROCEED IN FORMA PAUPERIS
[Doc. No. 2] AND DENYING AS
MOOT MOTION TO APPOINT
COUNSEL [Doc. No. 3]**

On January 24, 2022, Plaintiff Christopher K. Alonso filed a complaint. [Doc. No. 1.] Plaintiff also filed an application to proceed in forma pauperis (“IFP”) [Doc. No. 2] and a motion to appoint counsel [Doc. No. 3]. On May 6, 2022, the case was transferred to the undersigned judge. For the following reasons, Plaintiff’s application to proceed IFP is **DENIED**.

Generally, all parties instituting a civil action in this court must pay a filing fee. *See* 28 U.S.C. § 1914(a); CivLR 4.5(a). However, the Court may authorize a party to proceed without paying the filing fee if that party submits an affidavit demonstrating an inability to pay. 28 U.S.C. § 1915(a). “An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). “[A] plaintiff seeking IFP

1 status must allege poverty with some particularity, definiteness and certainty.” *Id.* (internal
2 quotation marks omitted).

3 In his IFP application, Plaintiff claims to have no income, no cash, and no assets.
4 Yet Plaintiff claims to have over \$2,000/month in expenses, while also living rent-free.
5 Moreover, the expenses include installment payments on a motor vehicle and motor vehicle
6 insurance, but no vehicle is listed as an asset. These unexplained discrepancies render the
7 application incomplete and not credible. Accordingly, based on the lack of “particularity,
8 definiteness and certainty” in the information provided, the Court is not persuaded that
9 Plaintiff lacks the funds to pay the filing fee and “still afford the necessities of life.”
10 *Escobedo*, 787 F.3d at 1234. Therefore, Plaintiff’s application to proceed IFP [Doc. No.
11 2] is **DENIED** without prejudice, and Plaintiff’s motion to appoint counsel [Doc. No. 3] is
12 **DENIED** as moot.

13 Plaintiff shall have until **June 3, 2022** to either pay the filing fee, or file a new
14 application to proceed IFP that provides with “particularity, definiteness, and certainty” the
15 required information. In particular, Plaintiff shall respond truthfully, accurately, and
16 completely to Questions 1 - 8. If the filing fee is not paid or a renewed application to
17 proceed in forma pauperis is not filed by June 3, 2022, the Clerk of the Court shall dismiss
18 the case without prejudice and terminate the action.

19 **IT IS SO ORDERED.**

20 Dated: May 6, 2022

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23 Hon. Cathy Ann Bencivengo
24 United States District Judge
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