

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2025

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

WINSTON MAURICE BROWN,

Plaintiff - Appellant,

v.

LAFAYETTE FEDERAL CREDIT
UNION; HFS FINANCIAL; DOES 4-100,

Defendants - Appellees.

No. 24-2839

D.C. No. 5:23-cv-01869-TJH-SP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Terry J. Hatter, Jr., District Judge, Presiding

Submitted September 17, 2025**

Before: SILVERMAN, OWENS, and BRESS, Circuit Judges.

The motion (Docket Entry No. 6) to proceed in forma pauperis on appeal is granted.

Winston Maurice Brown appeals pro se from the district court's judgment

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

sua sponte dismissing his action on the basis that Brown's allegation of poverty in his request to proceed in forma pauperis was untrue. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). We vacate and remand.

Although there are discrepancies between statements Brown made in his request to proceed in forma pauperis and in a loan application he filed as an attachment to his motion for default judgment, Brown should have been allowed an opportunity to explain those discrepancies. *See id.* at 1234. We vacate the judgment and remand for the district court to provide Brown an opportunity to address the contradictions noted by the district court.

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

All other pending requests are denied.

VACATED and REMANDED.