

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 28 2026

FOR THE NINTH CIRCUIT

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

LIONEL SCOTT ELLISON,

Plaintiff - Appellant,

v.

STATE OF MONTANA; MONTANA
OFFICE OF THE ATTORNEY
GENERAL; AUSTIN KNUDSEN;
PATRICK J. MOODY; MONTANA
DEPARTMENT OF CORRECTIONS;
MONTANA STATE PRISON; JIM
SALMONSEN; SUSAN MOLENDYKE;
STEVE ELLIOTT; LARRY PASHA;
WESLEY SMOGY; CROSSROADS
CORRECTIONAL CENTER; PETER
BLUDWORTH; MS. WAHN; GREG
GIANFORTE; COUNTY OF
YELLOWSTONE; MONTANA BOARD
OF PARDONS AND PAROLE,

Defendants - Appellees.

No. 25-2842

D.C. No. 1:25-cv-00032-BMM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

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

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

Montana state prisoner Lionel Scott Ellison appeals pro se from the district court's order denying his motion to proceed in forma pauperis ("IFP") in his 42 U.S.C. § 1983 action alleging federal claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the denial of leave to proceed IFP. *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). We affirm.

The district court did not abuse its discretion in denying Ellison's IFP motion because Ellison failed to make a sufficient showing of indigency. *See Taylor v. Delatoore*, 281 F.3d 844, 850 (9th Cir. 2002) (explaining that a "court is to assess the initial fee based on the prisoner's account deposits and balances in the six-month period immediately preceding the filing of the complaint" and concluding that it was not abuse of discretion for the district court to assess the fee based on the prisoner's account balances over six months (emphasis omitted)).

We reject as unsupported by the record Ellison's contention that the district court was biased against him.

In light of our disposition, we do not consider Ellison's contentions about the underlying merits of his action.

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

All pending motions and requests are denied.

AFFIRMED.