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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL D. SMITH,

*Plaintiff,*

vs.

WARDEN NEVENS, *et al.*

*Defendants.*

2:11-cv-01152-KJD-LRL

ORDER

This *pro se* prisoner civil rights case by a Nevada state inmate comes before the Court on plaintiff's application (#1) to proceed *in forma pauperis* and for initial review. The papers submitted are subject to multiple defects. First, plaintiff failed to attach the required attachments for a pauper application by a person in custody. Both a financial certificate properly executed by an appropriate institutional officer and a statement of the plaintiff's inmate trust fund account for the past six months are required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. Plaintiff attached a financial certificate from a Nevada state district court form, and he did not attach a statement of his inmate trust fund account for the past six months. This is federal court, not state court, and plaintiff must use this Court's required forms with all required attachments. Second, the plaintiff did not initiate the action on a proper complaint form as required by Local Rule LSR 2-1. Plaintiff instead filed a complaint on a state court form captioned for a state district court. This, again, is federal court, not state court.

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IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis* is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new complaint on the proper form in a new action together with either a pauper application on the required form with all required attachments or the required filing fee.

The Clerk of Court shall enter final judgment accordingly, dismissing this action without prejudice. The Clerk shall send plaintiff a copy of the papers that he filed herein along with a copy of a pauper application for an incarcerated person, a Section 1983 complaint form, and the instructions for each form.

DATED: July 14, 2011



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KENT J. DAWSON  
United States District Judge