

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HARRY BURDICK,

Plaintiff,

vs.

STATE OF NEVADA, *et al.,*

Defendants.

2:12-cv-00792-KJD-GWF

ORDER

Plaintiff, a Nevada state inmate, has filed an application (#2) to proceed *in forma pauperis* seeking to initiate a civil rights action.

The application is incomplete. Both a financial certificate properly executed by an appropriate institutional officer on the Court’s required form 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 neither. The financial certificate page from the Court’s required federal form was not executed by an institutional officer but instead was left blank. Attachment of a financial certificate from a state pauper form, which does not provide the required information, is not sufficient. Plaintiff must use this Court’s forms, in full, not a hybrid mix of federal and state forms; and he must fully complete the federal form. Plaintiff further did not attach a statement of his inmate trust account for the past six months.

Further, plaintiff did not use the Court’s required form for a civil rights complaint, as required by Local Rule LSR 2-1.

Due to the multiple defects presented, this action will be dismissed without prejudice. It does not appear from review of the allegations presented that a dismissal without prejudice

1 will result in a promptly-filed properly commenced action being time-barred. This improperly-
2 commenced action therefore will be dismissed without prejudice.

3 IT THEREFORE IS ORDERED that the application to proceed *in forma pauperis* (#2)
4 is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new
5 complaint on the required form in a new action together with either a new pauper application
6 with all required attachments or payment of the \$350.00 filing fee.

7 The Clerk of Court shall send plaintiff a copy of the papers that he filed along with the
8 complaint and pauper forms and instructions for both forms.

9 The Clerk shall enter final judgment accordingly, dismissing this action without
10 prejudice.

11 DATED: May 24, 2012

12
13 

14 _____
15 KENT J. DAWSON
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28