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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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ROBERT CSECH,

Case No. 3:13-cv-00263-MMD-WGC

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Plaintiff,

ORDER

11

v.

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STEPHEN D. QUINN, et al.,

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Defendants.

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This *pro se* prisoner civil rights case by a Nevada state inmate comes before the Court on plaintiff's application to proceed *in forma pauperis* (dkt. no. 1) and for initial review.

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The papers submitted are subject to multiple defects.

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First, plaintiff did not use the required form for a pauper application. Under Local Rule LSR 1-1, plaintiff must use the Court's current required form. Plaintiff used what appears to be a prior version of the current form that either has been retyped or is a copy of a copy several times over. Plaintiff must use the current form, which was revised effective July 21, 2008.

24

Second, 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 (6) months are required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. Plaintiff attached neither.

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1 Third, plaintiff may not commence a federal action by filing only a motion. He
2 instead must file a complaint on the Court's required civil rights complaint form.

3 It does not appear from review of the allegations presented that a dismissal
4 without prejudice of the present improperly-commenced action would lead to a
5 promptly-filed new action being untimely or otherwise result in substantial prejudice.
6 Neither the relief sought in the motion for preliminary injunction (see dkt. no. 1-1, at 13)
7 nor the allegations therein read together with the exhibits submitted reflect that plaintiff
8 likely will sustain imminent serious harm in the interim. For example, while plaintiff
9 asserts that he improperly is being given Tylenol brand acetaminophen for headaches,
10 the settlement colloquy attached with the motion clearly reflects that such non-opiod
11 headache medication was permitted and proper. See dkt. no. 1-2, at electronic
12 docketing pages 15-18 (transcript pages 9-12).¹

13 Plaintiff accordingly will sustain no substantial prejudice from the dismissal of this
14 improperly commenced action without prejudice.

15 It is therefore ordered that the application to proceed *in forma pauperis* (dkt. no.
16 1) is denied and that this action shall be dismissed without prejudice to the filing of a
17 new complaint on the required form in a new action together with either a new pauper
18 application with all required, and new, attachments or payment of the \$350.00 filing fee.

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

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24 ¹Plaintiff's belief that he also improperly was given ibuprofen "containing" NSAID
25 is unfounded. NSAID is an abbreviation for non-steroidal anti-inflammatory drug, which
26 is a classification referring generically to a wide variety of medications administered for
27 pain and other symptoms, including aspirin and ibuprofen. NSAID is not an ingredient,
28 much less a harmful ingredient, but rather is a classification of a type of medication.

The conversion disorder referenced in the colloquy is a psychiatric disorder in
which anxiety or stress is expressed as, or "converted" into, physical symptoms. See,
e.g., *Stedman's Concise Medical Dictionary*, at 189 (3rd ed. 1997).

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

DATED THIS 23rd day of December 2013.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE