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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID L. COLLINS,
Plaintiff,
vs.
PEOPLE OF THE STATE OF NEVADA,
et al.,
Defendants.

Case No. 2:11-CV-01205-PMP-(PAL)

ORDER

Plaintiff has filed a document titled "Rule 60 Demur" (#4), which the court construes as a motion for relief from the judgment pursuant to Rule 60 of the Federal Rules of Civil Procedure.

The filing fee of \$350 is a matter of law. 28 U.S.C. § 1914(a). Because plaintiff is a prisoner, he must pay that fee, either in full at the commencement of this action or through monthly installments if the court grants him leave to proceed in forma pauperis. 28 U.S.C. § 1915(b). The court dismissed this action because plaintiff, a prisoner, neither paid the filing fee nor submitted an application to proceed in forma pauperis accompanied by a statement of his inmate account and a financial certificate signed by the appropriate prison official. Nothing in plaintiff's motion (#4) would cause the court to reinstate the action. The dismissal was without prejudice, so plaintiff may commence a new action if he pays the fee or if he files the correct documents.

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IT IS THEREFORE ORDERED that plaintiff's "Rule 60 Demur" (#4), which the court construes as a motion for relief from the judgment pursuant to Rule 60 of the Federal Rules of Civil Procedure, is **DENIED**.

DATED: August 16, 2011.



PHILIP M. PRO
United States District Judge