

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

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RUBEN SAPIEN,
Plaintiff,
vs.
DOUG GILLESPIE, *et al.*,
Defendants.

2:11-cv-01347-PMP-RJJ

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff’s application to proceed *in forma pauperis* is granted (ECF No. 1). Based on the information regarding plaintiff’s financial status in the application to proceed *in forma pauperis*, plaintiff is required to pay an initial installment of the filing fee pursuant to 28 U.S.C. §1915.

The grant of *in forma pauperis* status adjusts the amount of the filing fee that plaintiff must *prepay* – plaintiff will be required to prepay an initial installment of \$15.78, instead of having to prepay the full \$350.00 filing fee for this action. The entire \$350.00 filing fee will, however, remain due from plaintiff, and the institution where plaintiff is incarcerated will collect money toward the payment of the full filing fee when petitioner’s institutional account has a sufficient balance, pursuant to 28 U.S.C. §1915. The entire \$350.00 filing fee will remain due and payable, and will be collected from plaintiff’s institutional account regardless of the outcome of this action.

IT IS THEREFORE ORDERED that plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff Ruben Sapien, **Detainee No. 1963697**, will be permitted to maintain

1 this action to conclusion without prepayment of the full filing fee. However, plaintiff must pay an initial
2 installment of the filing fee in the amount of **\$15.78**. Plaintiff will not be required to pay fees or costs,
3 other than the filing fee, or give security therefor. This order granting *in forma pauperis* status shall not
4 extend to the issuance and service of subpoenas at government expense.

5 **IT IS FURTHER ORDERED** that plaintiff shall have **thirty (30) days** from the date of entry
6 of this order to have the initial installment of the filing fee, in the amount stated above, sent to the clerk.
7 Failure to do so may result in the immediate dismissal of this action.

8 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915(b)(2), the Clark County
9 Detention Center shall pay to the clerk of the United States District Court, District of Nevada, 20% of
10 the preceding month's deposits to plaintiff's (Ruben Sapien, Detainee No. **1963697**) account (in the
11 months that the account exceeds \$10.00) until the full \$350.00 filing fee has been paid for this action.
12 If plaintiff should be transferred and become under the care of the Nevada Department of Corrections,
13 the CCDC Accounting Supervisor is directed to send a copy of this order to the attention of the Chief
14 of Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702,
15 indicating the amount that plaintiff has paid toward his filing fee, so that funds may continue to be
16 deducted from plaintiff's account. **The clerk shall send a copy of this order to the CCDC Accounting**
17 **Supervisor, 330 S. Casino Center Blvd., Las Vegas, NV 89101.**

18 **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise
19 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the
20 Prisoner Litigation Reform Act of 1996.

21 DATED this 30th day of December, 2011.

22

23

24

25

26


UNITED STATES MAGISTRATE JUDGE