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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 RENA E. STARKS,

8 Plaintiff,

9 vs.

10 N/A,

11 Defendant.

Case No. 2:13-cv-00188-MMD-CWH

ORDER

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13 This matter is before the Court on Plaintiff's Motion/Application to Proceed *in Forma*
14 *Pauperis* (#1), filed on February 5, 2013. Plaintiff is proceeding in this action *pro se*. She has
15 requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*, and she
16 submitted a complaint on July 3, 2012.

17 Pursuant to 28 U.S.C. § 1915(a), a filing fee of \$350.00 is required to commence a civil
18 action in federal district court. The court may only authorize the commencement of an action
19 without prepayment of fees and costs or security therefor, by a person who submits an affidavit
20 that includes a statement showing the person is unable to pay such costs. 28 U.S.C. § 1915(a)(1).
21 This Court's Local Rules provide that "[a]ny person, who is unable to prepay the fee in a civil
22 case, may apply to the Court for authority to proceed *in forma pauperis*. The application shall be
23 made on the form provided by the Court and shall include a financial affidavit disclosing the
24 applicant's income, assets, expenses and liabilities." LSR 1-1.

25 Plaintiff's application is incomplete. In response to question three related to other
26 income, Plaintiff indicates that she receives support in the form of "Spouse 62 on SSDI deemed
27 below poverty level." The Court understands that Plaintiff may receive support from another
28 governmental agency that she has deemed below poverty level, but that is not a sufficient ground
for Plaintiff to not fully answer the question. Given that Plaintiff has not provided the amount of

1 income she receives, the Court cannot determine if it exceeds her expenses. As a result, the
2 Court cannot determine whether Plaintiff is eligible to proceed *in forma pauperis*.

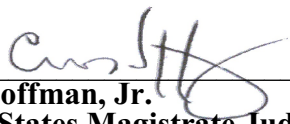
3 Having concluded that Plaintiff is not entitled at this time to proceed *in forma pauperis*,
4 the Court need not screen the complaint under 28 U.S.C. § 1915(e)(2)(B), which requires the
5 dismissal of the case at any time if the Court determines that it is frivolous or malicious or fails
6 to state a claim upon which relief can be granted or seeks monetary relief against a defendant
7 who is immune from such relief. However, the Court notes that Plaintiff has failed to name a
8 defendant in her complaint and she should correct that error in any subsequent filing.

9 Based on the foregoing and good cause appearing therefore,

10 **IT IS ORDERED** that Plaintiff's Application to Proceed *In Forma Pauperis* (#1) is
11 **denied without prejudice**.

12 **IT IS FURTHER ORDERED** that Plaintiff shall file a complete Application to
13 Proceed *in Forma Pauperis*. In the alternative, Plaintiff may make the necessary arrangements to
14 pay the filing fee of three hundred fifty dollars (\$350), accompanied by a copy of this Order.
15 Plaintiff shall have **thirty (30) days** from the date on which this Order is entered to comply.
16 Failure to comply with this Order will result in a recommendation to the District Judge that
17 Plaintiff's Application to Proceed *in Forma Pauperis* be denied with prejudice.

18 DATED this 6th day of February, 2013.

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22 **C.W. Hoffman, Jr.**
United States Magistrate Judge