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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CLIFFORD SCHUETT,

Plaintiff

vs.

MS. COLLINS, *et al.*,

Defendants

2:13-cv-01265-APG-NJK

ORDER

Plaintiff has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983, but has not paid the filing fee or presented an application to proceed in *forma pauperis*.

Without the filing fee or leave to proceed in *forma pauperis*, the matter has not been properly commenced. *See* 28 U.S.C. § 1915(a) and Local Rule LSR1-2 (to proceed with a civil action without prepaying the required filing fee a petitioner must submit a sworn affidavit stating all his assets and attach both an inmate account statement for the past six months and a properly executed financial certificate.)

Because it does not appear from the papers presented that a dismissal without prejudice will materially affect a later analysis of any timeliness issue with regard to a promptly filed new action, the present action will be dismissed without prejudice to the filing of a new complaint in a new action with a pauper application on the proper form with all required attachments.


IT THEREFORE IS ORDERED that the action shall be **DISMISSED** without prejudice to the filing of a new complaint in a new action with a properly completed pauper application.

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IT FURTHER IS ORDERED that the Clerk shall send plaintiff two copies each of an application form to proceed *in forma pauperis* for incarcerated persons and a § 1983 civil rights complaint form, one copy of the instructions for each form, and a copy of the papers that he submitted in this action.

The Clerk of Court shall enter final judgment accordingly in favor of respondents and against plaintiff, dismissing this action without prejudice.

DATED: August 1, 2013.



UNITED STATES DISTRICT JUDGE