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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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CODY LEAVITT,

Case No. 2:13-cv-02035-JAD-PAL

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Plaintiff,

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vs.

ORDER

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QUENTIN BYRNE, *et al.*,

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Defendants.

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Plaintiff, a Nevada state inmate, has filed an application (Doc. 1) to proceed *in forma pauperis* seeking to initiate a civil rights action.

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The pauper application submitted is incomplete. Both a financial certificate executed by an authorized institutional officer on the required form and a statement of the plaintiff's inmate trust fund account for the past six months are required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. Plaintiff attached neither.

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It does not appear from review of the allegations presented that a dismissal without prejudice of the present improperly-commenced action either would materially impact the analysis of cognizability, timeliness or any other issue in a promptly-filed new action or otherwise would cause other substantial prejudice.¹

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¹ Plaintiff seeks to correct alleged errors in a December 2008 presentence investigation report in connection with a January 2009 sentencing in a state criminal proceeding. His claims include numerous legal and factual allegations challenging the validity of his confinement and/or the duration thereof. His claims thus either: (a) are not cognizable in a federal civil rights action as yet absent, *inter alia*, an order in a post-conviction proceeding holding that his confinement is invalid in full or in part; or (b) both accrued and became time-barred under the applicable two-year statute of limitations years ago. Dismissal of the present action without prejudice therefore will not materially

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(continued...)

