

1
2
3
4
5
6
7
8
9
10
11
12

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARY S. WEST,
Plaintiff,

v.

GREG COX et al.,
Defendants.

Case No. 2:15-cv-00665-GMN-VCF

ORDER

I. DISCUSSION

At the time this civil rights case was initiated, Plaintiff was a *pro se* prisoner in the custody of the Nevada Department of Corrections. Plaintiff had submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1). On April 12, 2016, this Court entered a screening order, deferred a decision on the application to proceed *in forma pauperis*, imposed a 90-day stay, and referred the case to mediation. (ECF No. 11 at 6). Prior to mediation, Travis N. Barrick, Esq. filed a motion for leave to appear for the limited purpose of participating in settlement discussions on behalf of Plaintiff. (ECF No. 13). The Court granted the motion and directed Mr. Barrick to either file a notice of appearance or a notice of withdrawal after mediation. (ECF No. 14). Mr. Barrick filed a notice of appearance. (ECF No. 21). On October 20, 2016, the Court ordered Plaintiff to either file an application to proceed *in forma pauperis* for non-prisoners or to pay the full filing fee of \$400 to proceed with this case. (ECF No. 24 at 2). On October 25, 2016, Plaintiff, through counsel, filed a motion for leave to file a second amended complaint. (ECF No. 25).

The Court defers a decision on the motion for leave to file a second amended complaint until the matter of the filing fee has been addressed. On or before Friday, November 4, 2016, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for non-

1 prisoners; or (2) pay the full filing fee of \$400. If Plaintiff fails to comply with this order, the
2 Court will dismiss this case with prejudice.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS FURTHER ORDERED that **on or before Friday,**
5 **November 4, 2016,** Plaintiff shall either: (1) file a fully complete application to proceed *in*
6 *forma pauperis* for non-prisoners; or (2) pay the full filing fee of \$400. If Plaintiff does not
7 timely comply with this order, the Court will dismiss this case with prejudice.

8 IT IS FURTHER ORDERED that a decision on the motion for leave to file a second
9 amended complaint (ECF No. 25) is deferred until the matter of the filing fee has been
10 resolved.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: This 27th day of October, 2016.



United States Magistrate Judge