

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
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGOBERTO ENRIQUE ISAZA,
Plaintiff,
v.
STATE OF NEVADA,
Defendant.

2:15-cv-676-RFB-GWF

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a memorandum to the Court but has not submitted a complaint. (See ECF No. 1, 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30) days from the date of this order to submit a complaint to this Court.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

...

...

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that Plaintiff shall submit a complaint to this
3 Court within **thirty (30) days** from the date of this order.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
5 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk
6 of the Court shall also send Plaintiff a copy of his memorandum (ECF No. 1, 1-1).

7 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
8 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
9 entitled information and instructions for filing an *in forma pauperis* application.

10 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
11 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
12 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
13 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
14 administrative fee).

15 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
16 dismissal of this action may result.

17

18 DATED: This 16th day of April, 2015.

19

20


United States Magistrate Judge

21

22

23

24

25

26

27

28