

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**

JAMES PATRICK CIBULKA,)
)
 Plaintiff,)
)
 vs.)
)
 THOMAS FRONCZEK, et al.,)
)
 Defendants.)

Case No. 2:15-cv-01900-RCJ-CWH
ORDER

Plaintiff James Patrick Cibulka, who is incarcerated at the Clark County Detention Center, submitted a civil rights complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1.) Plaintiff also filed a motion requesting the Court’s permission to file a civil rights complaint that is longer than the form complaint. (ECF No. 2.)

Plaintiff’s application to proceed *in forma pauperis* is incomplete. Under 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 (1) a properly executed financial certificate, and (2) an inmate account statement for the past six months. Although Plaintiff submitted the *in forma pauperis* application and the financial certificate, Plaintiff did not attach an inmate account statement for the past six months. The Court therefore will deny Plaintiff’s application to proceed *in forma pauperis* without prejudice. Plaintiff must cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. Plaintiff is advised that if he has been incarcerated at the Clark County Detention Center for fewer than six months, then he must submit an inmate account statement for the period he has been incarcerated. If Plaintiff chooses to file a new application to proceed *in forma pauperis*, Plaintiff must file a fully complete application to proceed *in forma pauperis*.

1 IT IS THEREFORE ORDERED that Plaintiff James Patrick Cibulka's application to
2 proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

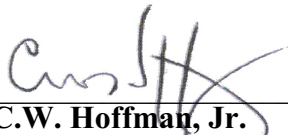
3 IT IS FURTHER ORDERED that Plaintiff James Patrick Cibulka's motion for leave to file
4 a civil rights complaint that is longer than the form complaint (ECF No. 2) is DENIED without
5 prejudice. If Plaintiff is granted *in forma pauperis* status or pays the filing fee, Plaintiff may move
6 to reinstate the motion.

7 IT IS FURTHER ORDERED that the Clerk of Court shall send to Plaintiff James Patrick
8 Cibulka the approved form application to proceed *in forma pauperis* by a prisoner as well as the
9 form titled "Information and Instructions for Filing a Motion for Leave to Proceed *In Forma*
10 *Pauperis*."

11 IT IS FURTHER ORDERED that within 30 days from the date of this Order, Plaintiff
12 James Patrick Cibulka must either (1) file a fully complete application to proceed *in forma*
13 *pauperis*, on the correct form with complete financial attachments, or (2) pay the full \$400 fee for
14 filing a civil action, which includes the \$350 filing fee and the \$50 administrative fee.

15 IT IS FURTHER ORDERED that failure to comply with this order may result in a
16 recommendation that this case be dismissed.

17
18 DATED: October 6, 2015

19
20 
21 _____
22 **C.W. Hoffman, Jr.**
23 **United States Magistrate Judge**
24
25
26
27
28