

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

6 CURTIS L. DOWNING,
7 Plaintiff,
8 v.
9 JO GENTRY et al.,
10 Defendants.
11

2:16-cv-02632-RFB-PAL
ORDER

I. DISCUSSION

13 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
14 ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1).
15 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in*
16 *forma pauperis*.

17 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
18 application to proceed *in forma pauperis* and attach both an inmate account statement for the
19 past six months and a properly executed financial certificate. The Court will retain Plaintiff's
20 civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the
21 filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed
22 *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses
23 to file an application to proceed *in forma pauperis* he must file a fully complete application to
24 proceed *in forma pauperis*.

II. CONCLUSION

26 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
27 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as
28 the document entitled information and instructions for filing an *in forma pauperis* application.

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

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

8 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
9 No. 1-1), but shall not file it at this time.

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11 DATED: This 30th day of November, 2016.

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United States Magistrate Judge

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