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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 BENJAMIN HOLLY,
8 Plaintiff,

9 v.

10 NYE COUNTY SHERIFF'S DEPT,
11 Defendant.
12 _____

2:16-cv-02640-JCM-CWH

ORDER

13 **I. DISCUSSION**

14 Plaintiff, who is a prisoner in the custody of the Nye County Detention Center, has filed
15 an application to proceed *in forma pauperis*. (ECF No. 1). Plaintiff has not submitted a
16 complaint in this matter.

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

20 Additionally, Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant
21 to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
22 proceed *in forma pauperis* and attach both an inmate account statement for the past six
23 months and a properly executed financial certificate. Plaintiff has not submitted an inmate
24 account statement. (See ECF No. 1). As such, the *in forma pauperis* application is denied
25 without prejudice. Plaintiff will be granted an opportunity to cure the deficiencies of his
26 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
27 action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must file
28 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.

6 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*
7 (ECF No. 1) is DENIED without prejudice to file a new application.

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

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

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

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19 DATED: This 21st day of November, 2016.

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22 _____
23 United States Magistrate Judge
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