

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**

TYRONE HURT,)	Case No. 2:17-cv-00315-JAD-NJK
)	
Plaintiff(s),)	
)	
vs.)	ORDER
)	
HILLARY R. CLINTON, et al.,)	
)	
Defendant(s).)	

Plaintiff is proceeding in this action *pro se* and requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket No. 1. On January 30, 2017, the Court denied Plaintiff’s application without prejudice. Docket No. 3. Plaintiff has now submitted the affidavit required by § 1915(a) showing an inability to prepay fees and costs or give security for them. Docket No. 4. Accordingly, the request to proceed *in forma pauperis*, Docket No. 4, is hereby **GRANTED** pursuant to 28 U.S.C. § 1915(a).

Plaintiff has also submitted a hand-written complaint, which is not sufficiently legible to enable the Court or any opposing party to fully understand it. Docket No. 1-1; *see also* Local Rule IA 10-1(a)(2) (“Handwriting must be legible”). The Court therefore dismisses Plaintiff’s complaint with leave to amend. Plaintiff is permitted to refile the complaint, but it must either be typewritten or handwritten legibly.

Accordingly,
IT IS ORDERED that:

- 1. Plaintiff’s request to proceed *in forma pauperis* is GRANTED. Plaintiff shall not be

1 required to pay the filing fee of four hundred dollars (\$400.00).

2 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
3 prepayment of any additional fees or costs or the giving of a security therefor. This
4 Order granting leave to proceed *in forma pauperis* shall not extend to the issuance
5 of subpoenas at government expense.

6 3. The Clerk of Court shall file the Complaint.

7 4. The Complaint is **DISMISSED** for failure to comply with LR IA 10-1(a)(2), with
8 leave to amend. Plaintiff will have until **April 3, 2017**, to file an Amended
9 Complaint, if he believes he can correct the noted deficiencies. If Plaintiff chooses
10 to amend the complaint, he is informed that the Court cannot refer to a prior pleading
11 (i.e., the original Complaint) in order to make the Amended Complaint complete.
12 *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). Local Rule 15-1 requires that an
13 Amended Complaint be complete in itself without reference to any prior pleading.
14 Once a plaintiff files an Amended Complaint, the original Complaint no longer
15 serves any function in the case. Therefore, in an Amended Complaint, as in an
16 original Complaint, each claim and the involvement of each defendant must be
17 sufficiently alleged. Failure to comply with this Order will result in the
18 recommended dismissal of this case, without prejudice.

19 Dated: March 2, 2017

20 
21 _____
22 NANCY J. KOPPE
23 United States Magistrate Judge
24
25
26
27
28