# UNITED STATES DISTRICT COURT DISTRICT OF NEVADA 



2:17-cv-00511-JCM-CWH ORDER

## I. DISCUSSION

On February 17, 2017, Plaintiff, a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an application to proceed in forma pauperis. (ECF No. 1, 1-1). On February 27, 2017, this Court issued an order denying Plaintiff's application to proceed in forma pauperis without prejudice to file a new application because Plaintiff's application had been incomplete. (ECF No. 3). On March 17, 2017, Plaintiff filed two new applications to proceed in forma pauperis. (ECF No. 5, 6). However, these applications are also incomplete.

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 has not submitted a properly executed financial certificate on this Court's approved form in any of his in forma pauperis submissions. (See ECF No. 1, 5, 6). As such, the in forma pauperis applications are denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted one final opportunity to cure the deficiencies of his application to proceed in forma pauperis, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file
a new application to proceed in forma pauperis he must file a fully complete application to proceed in forma pauperis. If Plaintiff files another incomplete application to proceed in forma pauperis, the Court will dismiss the case in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire the necessary documents to file a complete application to proceed in forma pauperis.

## II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's applications to proceed in forma pauperis (ECF No. 5, 6) are DENIED without prejudice to file a new application.

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

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

IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed in forma pauperis is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a new case when he is able to acquire the necessary documents to file a complete application to proceed in forma pauperis.

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

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

DATED: This $\underline{\underline{22 n d}}$ day of March, 2017.


