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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GEORGE A. TOLIVER, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TIMOTHY CARLMAN et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

2:17-cv-00679-JCM-VCF

**ORDER**

**I. DISCUSSION**

On March 23, 2017, this Court issued an order directing Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full \$400 filing fee within thirty (30) days of that order. (ECF No. 5 at 2). On April 24, 2017, Plaintiff filed a motion for an extension of time to file his application to proceed *in forma pauperis*. (ECF No. 6). Plaintiff seeks an extension of time to file his application to proceed *in forma pauperis* until after the "first day of May 2017" due to his scheduled parole release date. (*Id.* at 1). Plaintiff is awaiting the return of his financial certificate but recognizes that he will not have to submit one once he is released on parole. (*Id.*) Plaintiff also files a motion for leave to file an amended complaint. (ECF No. 7).

The Court grants Plaintiff's motion for an extension of time to file his application to proceed *in forma pauperis* on or before Friday, May 12, 2017. If Plaintiff chooses to file an application to proceed *in forma pauperis* while on parole, Plaintiff should submit an application to proceed *in forma pauperis* for non-prisoners. If Plaintiff's parole release date changes to a later date, Plaintiff should submit an application to proceed *in forma pauperis* for prisoners on or before May 12, 2017.

The Court grants Plaintiff's motion to file an amended complaint. Plaintiff shall file an

1 amended complaint on or before Friday, May 12, 2017.

2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that the motion for extension of time to file  
4 an application to proceed *in forma pauperis* (ECF No. 6) is granted. If Plaintiff is released on  
5 parole in May 2017, Plaintiff shall file an application to proceed *in forma pauperis* for non-  
6 prisoners on or before Friday, May 12, 2017. If Plaintiff remains incarcerated, Plaintiff shall  
7 file a fully complete application to proceed *in forma pauperis* for prisoners on or before Friday,  
8 May 12, 2017. Alternatively, Plaintiff may file the full \$400 filing fee for a civil action on or  
9 before Friday, May 12, 2017.

10 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved  
11 form application to proceed *in forma pauperis* by a non-prisoner, as well as the document  
12 entitled information and instructions for filing an *in forma pauperis* application.

13 IT IS FURTHER ORDERED that, if Plaintiff does not timely file an application to  
14 proceed *in forma pauperis*, the Court will dismiss this action without prejudice.

15 IT IS FURTHER ORDERED that the motion to amend complaint (ECF No. 7) is granted.  
16 Plaintiff shall file an amended complaint on or before Friday, May 12, 2017.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the  
18 approved form for filing a § 1983 complaint and instructions for the same. If Plaintiff chooses  
19 to file an amended complaint, he must use the approved form and he shall write the words  
20 "First Amended" above the words "Civil Rights Complaint" in the caption.

21 IT IS FURTHER ORDERED that, if Plaintiff fails to file an amended complaint, the Court  
22 will screen the original complaint (ECF No. 1-1).

23  
24 DATED: This 26<sup>th</sup> day of April, 2017.



25  
26 \_\_\_\_\_  
27 United States Magistrate Judge  
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