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5	UNITED STATES DISTRICT COURT	
6	DISTRICT OF NEVADA	
7	PETER CASTELLANOS,	
8) Plaintiff,	
9	v.)	2:17-cv-00902-RFB-VCF
10	STATE OF NEVADA et al.,	ORDER
11	Defendants.	
12))	
13	I. DISCUSSION	
14	Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections	
15	("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and a motion	
16	for TRO to compel NDOC executive to execute a federal financial certificate. (ECF No. 1-1,	
17	1-2). Plaintiff has neither paid the full filing fee for this matter nor filed an application to	
18	proceed <i>in forma pauperis</i> .	
19	Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an	
20	application to proceed in forma pauperis and attach both an inmate account statement for the	
21	past six months and a properly executed financial certificate. The Court will retain Plaintiff's	
22	civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the	
23	filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed	
24	in forma pauperis, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses	
25	to file an application to proceed in forma pauperis he must file a fully complete application to	
26	proceed <i>in forma pauperis</i> .	
27	The Court denies Plaintiff's motion for a TRO compelling prison officials to execute a	
28	financial certificate. If, however, Plaintiff continues to have difficulty obtaining a financial	
	certificate and an inmate account statement from prison officials, Plaintiff shall file an affidavit	

in this case detailing when he requested the documents, who he spoke to about the status of 1 2 the documents, who he followed up with after he did not receive the documents, and their 3 responses. In other words, if Plaintiff is unable to acquire the necessary documents from 4 prison officials, he must provide the Court with an affidavit that demonstrates that he has done 5 all that he could to acquire the documents by the Court's deadline. Plaintiff's affidavit should include dates of his requests, dates of his follow-up requests, names of the prison officials that 6 7 he spoke to about the matter, and their responses. If Plaintiff's affidavit demonstrates that he has done all that was possible to acquire the documents, the Court will consider his application 8 to proceed in forma pauperis complete.¹ 9

10 II. CONCLUSION

For the foregoing reasons, IT IS 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.

14 IT IS FURTHER ORDERED that on or before Friday, May 5, 2017, Plaintiff shall 15 either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form 16 with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) file an 17 affidavit detailing the efforts he took to acquire a financial certificate and an inmate account 18 statement from prison officials. If Plaintiff chooses to file an affidavit, his affidavit must describe the actions he took to acquire the documents through Wednesday, April 26, 2017. 19 20 Plaintiff shall not file an affidavit before that date. Additionally, Plaintiff must submit an 21 application to proceed in forma pauperis to this Court even if he is unable to acquire the 22 necessary attachments from prison officials.

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 motion for TRO to execute financial certificate
(ECF No. 1-2) is denied.

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¹ Plaintiff must still submit an application to proceed *in forma pauperis* with his affidavit.

1	IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
2	No. 1-1), but shall not file it at this time.
3	April
4	DATED: This <u>17th</u> day o f March, 2017.
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6	United States Megistrate Judge
7	United States Magistrate Judge
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