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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ARNOLD ANDERSON,

Plaintiff(s),

v.

GILBERTO VALENZUELA, et al.,

Defendant(s).

Case No. 2:17-cv-02070-APG-NJK

**ORDER REGARDING APPLICATION
TO PROCEED *IN FORMA PAUPERIS***

(Docket No. 1)

This matter is before the Court on Plaintiff's Application to Proceed *In Forma Pauperis*. Docket No. 1. Plaintiff is a prisoner proceeding in this action *pro se*. Plaintiff has submitted the financial affidavit and inmate trust account statement required by 28 U.S.C. § 1915(a)(2). His request to proceed *in forma pauperis* would ordinarily be granted pursuant to 28 U.S.C. § 1915(a).

Plaintiff alleges that four police officers improperly arrested him in connection with an attempted murder, and also that the charges against him are improper given another conviction for the same crime in juvenile court. Docket No. 1-1 at 3-7. Plaintiff appears to be in custody awaiting trial. *Id.* at 5 ("To date Arnold Anderson in custody"). Plaintiff seeks monetary damages, as well as injunctive relief in the form of the criminal charges against him being dismissed and his release from custody. *See id.* at 10. The United States Supreme Court has long made clear that absent extraordinary circumstances, federal courts must not interfere with pending state criminal prosecutions even when they raise issues of federal rights or interests. *See, e.g., Younger v. Harris*, 401 U.S. 37, 44 (1971).

1 If the court grants Plaintiff's Application to Proceed *In Forma Pauperis*, Plaintiff will be required,
2 under 28 U.S.C. § 1915(b)(2), as amended by the Prison Litigation Reform Act of 1995, to pay the full
3 \$350 filing fee, even if his complaint is dismissed. As set forth above, the Court believes Plaintiff's claims
4 will not survive the pleading stage. Given these circumstances, the Court will allow Plaintiff thirty days
5 to withdraw his Application to Proceed *In Forma Pauperis*. If Plaintiff does not, the Court will grant his
6 Application to Proceed *In Forma Pauperis*, screen Plaintiff's complaint, and order that he pay the \$350
7 filing fee in accordance with 28 U.S.C. § 1915.

8 Based upon the foregoing, **IT IS ORDERED** that:

- 9 1. Plaintiff's Application to Proceed *In Forma Pauperis* (Docket No. 1) is **HELD IN**
10 **ABEYANCE**.
- 11 2. Plaintiff shall have until **September 1, 2017** to withdraw his Application to Proceed *In*
12 *Forma Pauperis*. If he does not, the court will order Plaintiff to pay the \$350 filing fee and
13 screen the complaint pursuant to 28 U.S.C. § 1915.

14 Dated: August 2, 2017

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17 Nancy J. Koppe
18 UNITED STATES MAGISTRATE JUDGE
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