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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTORIA J. GODWIN,
Plaintiff(s),
v.
CITY REDEVELOPMENT LLC, et al.,
Defendant(s).

Case No.: 2:18-cv-1011-RFB-NJK
Order
(Docket Nos. 1, 2)

This matter is before the Court on Plaintiff’s application to proceed in forma pauperis and request for judicial notice. Docket Nos. 1, 2. Plaintiff has requested authority, pursuant to 28 U.S.C. § 1915, to proceed in forma pauperis, and submitted a complaint. Docket No. 1; see also Docket No. 1-1. Applications to proceed in forma pauperis are used by parties who can demonstrate an inability to pay the Court’s \$400 filing fee. In determining whether to grant an application to proceed in forma pauperis, the Court may look beyond the application to determine the financial condition of the applicants. See, e.g., *Ballard v. Las Vegas Metro. Police*, 2013 U.S. 185112, *4 (D. Nev. Oct. 18, 2013), adopted 2014 U.S. Dist. Lexis 19284 (D. Nev. Feb. 14, 2014).

As a preliminary matter, Plaintiff requests the Court to take judicial notice of an order in another case which granted her application to proceed in forma pauperis. Docket No. 2 at 1, 3. Plaintiff submits that her “status and income have remained the same, while [her] health and expenses have deteriorated due to the negligence of Defendants in this case.” *Id.* at 1-2. However, in comparing Plaintiff’s application to proceed in forma pauperis for 2:17-cv-2178-MMD-CWH

1 at Docket No. 1, with the instant application, most of the information differs to the degree that
2 judicial notice is inappropriate. For example, in Plaintiff's initial application, she indicated that
3 her gross pay, take-home pay, and wages were \$0, that she received disability or worker's
4 compensation payments, that her social security income was \$771 per month, and that her rent was
5 \$550 per month. Docket No. 1 (2:17-cv-2178-MMD-CWH). In her instant application, she
6 indicates that her gross pay, take-home pay, and wages are \$780, that she does not receive
7 disability or worker's compensation payments, makes no note of social security income, and that
8 her rent is now \$450 per month. Docket No. 1. Therefore, the Court **DENIES** Plaintiff's request
9 for judicial notice. Docket No. 2.

10 In reviewing Plaintiff's pending application, it is clear that it is incomplete in that Plaintiff
11 indicates she has a gross pay, take-home pay, and wages in the amount of \$780 but fails to indicate
12 the source of the money. Docket No. 1.

13 As a result, the Court cannot determine whether Plaintiff qualifies to proceed in forma
14 pauperis, and her application will be denied without prejudice. The Clerk of Court shall retain the
15 petition.

16 Accordingly, **IT IS ORDERED** that:

- 17 1. Plaintiff's application to proceed in forma pauperis is **DENIED** without prejudice.
18 Docket No. 1. The Clerk of Court shall mail Plaintiff a blank application, and
19 Plaintiff shall have until **June 18, 2018**, in which to file a completed application to
20 proceed in forma pauperis or pay the \$400.00 filing fee.
- 21 2. **Failure to comply with this order will result in a recommendation to the**
22 **district judge for dismissal.**

23 IT IS SO ORDERED.

24 Dated: June 5, 2018

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28 NANCY J. KOPPE
United States Magistrate Judge