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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD ROT SIN BARREN,

Plaintiff,

v.

JAMES DZURENDA, et al.,

Defendants.

Case No. 2:19-cv-00142-APG-VCF

ORDER

1. DISCUSSION

This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1.) However, Plaintiff has since filed a change of address, indicating that he is no longer incarcerated. (ECF No. 18.) As such, the Court denies Plaintiff’s application to proceed *in forma pauperis* for prisoners as moot. The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner within thirty (30) days from the date of this order or pay the full filing fee of \$400.

Plaintiff has also filed two motions requesting that the Court issue an order for the United States Marshalls to serve the Defendants. (ECF Nos. 13, 16.) After Plaintiff files an application to proceed *in forma pauperis* by a non-prisoner or pays the full filing fee of \$400, the Court will issue a subsequent order addressing service. As such, the Court denies Plaintiff’s motions without prejudice.

Finally, the Defendants filed a motion requesting that the Court amend its order setting an early inmate mediation conference in this case. (ECF No. 19.) The motion indicates that because Plaintiff is no longer incarcerated, the attorney general’s office could not facilitate Plaintiff’s participation in the mediation conference. (*Id.*) The parties have participated in the mediation conference, and the Court denies the motion as moot.

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II. CONCLUSION

For the foregoing reasons, IT IS ORDERED the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a non-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 will either: (1) file a fully complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay the full filing fee of \$400.

IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, the Court will dismiss this case without prejudice.

IT IS FURTHER ORDERED that, Plaintiff's motions for service by the United States Marshalls (ECF Nos. 13, 16) are DENIED without prejudice. The Court will issue an order addressing service after Plaintiff files a fully complete application to proceed *in forma pauperis* for non-prisoners or pays the full filing fee of \$400.

IT IS FURTHER ORDERED that Defendants motion to amend the Court's ordering setting the early inmate mediation conference (ECF No. 19.) is DENIED as moot.

DATED THIS 16th day of October 2020.


UNITED STATES MAGISTRATE JUDGE