

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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FRANCISCO VIDAL, KHLOE VIDAL,  
JAMES NESKE, and SANDRA SCHORAS,

Case No.: 2:19-cv-02130-JAD-EJY

Plaintiff,

**ORDER**

v.

INTERNAL AFFAIRS LVMPD, OFFICER E.  
CLINE, OFFICER ROWE, OFFICER  
ROHAN, JOE LOMBARDO, OFFICER  
TURNER, OFFICER DIAZ, OFFICER  
POUPARD, and SGT. LUECK,

Defendants.

On December 11, 2019, Plaintiff Francisco Vidal, formerly an inmate who has been released from the custody of the Nevada Department of Corrections (“NDOC”), submitted an Emergency Motion for Injunction on a Civil Rights Complaint form which lists three additional plaintiffs. ECF No. 1-1.

Plaintiff has neither paid the \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*, which he must do pursuant to 28 U.S.C. § 1915(a)(1) and the U.S. District Court for the District of Nevada Local Rule LSR 1-1 if he wishes to proceed without paying the mandatory filing fee. Local Rule LSR 1-1 states: “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*. The application must be made on the form provided by the court and must include a financial affidavit disclosing the applicant’s income, assets, expenses, and liabilities.”

Further, Plaintiff is advised that a person acting *pro se* may not represent other people. Pursuant to 28 U.S.C. § 1654, *pro se* litigants have the right to plead and conduct their own cases personally. However, *pro se* litigants have no authority to represent anyone other than themselves. *See Cato v United States*, 70 F.3d 1103, 1105 n.1 (9th Cir. 1995); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987). As such, if each plaintiff named in the Complaint (ECF No. 1-1) wishes to pursue an action in this Court, each plaintiff is required to file their own complaint

1 in a new and separate case and submit either their own fully complete application to proceed *in*  
2 *forma pauperis* or pay the full \$402 filing fee.

3 The Court shall retain Plaintiff's Complaint (ECF No. 1-1), but the Court will not file the  
4 Complaint unless and until Plaintiff timely pays the \$402 filing fee or files a complete application  
5 to proceed *in forma pauperis* for a non-prisoner.

6 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the  
7 approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the document  
8 entitled information and instructions for filing an *in forma pauperis* application.

9 IT IS FURTHER ORDERED that on or before **May 3, 2021**, Plaintiff shall either: (1) file a  
10 fully complete application to proceed *in forma pauperis* by a non-prisoner, in compliance with 28  
11 U.S.C. § 1915(a) and LSR 1-1; or (2) pay the full \$402 filing fee for a civil action (which includes  
12 the \$350 filing fee and the \$52 administrative fee).

13 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this Order, the  
14 Court will recommend dismissal of this action.

15 IT IS FURTHER ORDERED that the Clerk of Court shall retain the Complaint (ECF No. 1-  
16 1), but will not file it at this time.

17 Dated this 1st day of April, 2021.

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20 ELAYNA J. YOUCHAK  
21 UNITED STATES MAGISTRATE JUDGE  
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