

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 WILFREDO REYES III,

Case No. 2:20-cv-02110-JAD-EJY

4 Plaintiff

5 v.

ORDER

6 TRINITY STAFF, et al.,

7 Defendants.

9 **I. DISCUSSION**

10 On November 16, 2020, Plaintiff, an inmate in the custody of the Clark County Detention
11 Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).
12 Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in*
13 *forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a
15 civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action
16 without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must
17 submit all three of the following documents to the Court:

- 18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s
19 approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- 20 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
21 (i.e. page 4 of this Court’s approved form), and
- 22 (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous**
six-month period.

23 The Court grants Plaintiff a **one-time** extension to file a fully complete application to proceed
24 *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full
25 \$400 filing fee for this action on or before **January 19, 2021**. Absent unusual circumstances, the
26 Court will not grant any further extensions of time.

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If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing fee on or before **January 19, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is either able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before **January 19, 2021** to proceed with this case.

The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

II. CONCLUSION

For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **January 19, 2021**, Plaintiff shall either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50 administrative fee) or file with the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
2 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
3 on or before **January 19, 2021**, this case will be subject to dismissal without prejudice for Plaintiff
4 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
5 needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

6 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
7 No.1-1) but will not file it at this time.

8 DATED this 19th day of November, 2020

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11 ELAYNA J. YOUCAH
12 UNITED STATES MAGISTRATE JUDGE
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