

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RONALD ALLISON,

4 Plaintiff

Case No. 2:21-cv-00165-RFB-BNW

ORDER

5 v.

6 CLARK COUNTY DETENTION CENTER
7 MEDICAL DEPARTMENT,

8 Defendant

9
10 **I. DISCUSSION**

11 On January 29, 2021, Plaintiff, an inmate in the custody of the Nevada Department
12 of Corrections ("NDOC"), submitted a document titled "lawsuit of discrimination due to
13 previously filed lawsuits of refusal of medical services." (ECF No. 1-1). Plaintiff has not
14 filed a complaint or an application to proceed *in forma pauperis* in this matter.

15 Under Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a
16 complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **April**
17 **12, 2021** to submit a complaint to this Court.

18 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
19 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
20 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the
21 inmate must submit all three of the following documents to the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
23 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
24 page 3),

25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
26 official (i.e. page 4 of this Court's approved form), and

27 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
28 **previous six-month period.**

The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully

1 complete application to proceed *in forma pauperis* containing all three of the required
2 documents, or in the alternative, pay the full \$402 filing fee for this action on or before
3 **April 12, 2021**. Absent unusual circumstances, the Court will not grant any further
4 extensions of time. If Plaintiff is unable to file a complaint and a fully complete application
5 to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing
6 fee on or before **April 12, 2021**, this case will be subject to dismissal without prejudice
7 for Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint and
8 able to acquire all three of the documents needed to file a fully complete application to
9 proceed *in forma pauperis* or pay the full \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the
11 case with the Court, under a new case number, when Plaintiff is able to file a complaint
12 and has all three documents needed to submit with an application to proceed *in forma*
13 *pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma*
14 *pauperis* and instead pay the full filing fee of \$402 on or before **April 12, 2021** to proceed
15 with this case.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to
18 this Court on or before **April 12, 2021**.

19 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
20 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
21 Clerk of the Court will also send Plaintiff a copy of his lawsuit of discrimination due to
22 previously filed lawsuits of refusal of medical services. (ECF No. 1-1).

23 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
24 approved form application to proceed *in forma pauperis* by an inmate, as well as the
25 document entitled information and instructions for filing an *in forma pauperis* application.

26 IT IS FURTHER ORDERED that on or before **April 12, 2021**, Plaintiff will either
27 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
28 administrative fee) or file with the Court:

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- (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.**

IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action on or before **April 12, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

DATED: February 16, 2021.



UNITED STATES MAGISTRATE JUDGE