

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MARK HAGERMAN,
4 Plaintiff,
5 v.
6 CULINARY WORKER,
7 Defendant.

Case No.: 2:23-cv-01582-GMN-BNW

ORDER
(ECF No. 6)

8
9 **I. DISCUSSION**

10 On October 16, 2023, the Court denied Plaintiff's application to proceed *in forma*
11 *pauperis* as incomplete and directed Plaintiff to file a new fully complete application to
12 proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No. 3). In response, Plaintiff
13 filed another incomplete application to proceed *in forma pauperis*. (ECF No. 4). The
14 Court denied Plaintiff's second incomplete application to proceed *in forma pauperis* and
15 instructed Plaintiff that if he could not get a financial certificate and a six-month trust fund
16 account statement from prison officials, he could submit a declaration stating all the efforts
17 he went through to get those documents. (ECF No. 5). The Court explained that if
18 Plaintiff demonstrated that he had done everything possible to obtain those documents,
19 the Court would consider the application complete. (*Id.* at 2-3).

20 Plaintiff has now submitted a third incomplete application to proceed *in forma*
21 *pauperis*. (ECF No. 6). The application is again missing a six-month trust fund account
22 statement, the financial certificate is not complete, and Plaintiff did not submit a
23 declaration stating the efforts that he went through to attempt to get those documents.
24 (*Id.*) The Court denies the incomplete application to proceed *in forma pauperis* and will
25 give Plaintiff one final opportunity to file a complete application to proceed *in forma*
26 *pauperis* on or before June 7, 2024.

27 The United States District Court for the District of Nevada must collect filing fees
28 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights

1 action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28
2 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply
3 to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an
4 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the
5 following documents to the Court: (1) a completed **Application to Proceed in Forma**
6 **Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly
7 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is
8 page 4 of the Court’s approved form, that is properly signed by both the inmate and a
9 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**
10 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
11 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
12 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
13 See 28 U.S.C. § 1915(b).

14 In the event Plaintiff is not able to acquire the required financial certificate and
15 inmate account statement for the previous six-month period from prison officials, Plaintiff
16 may file a declaration detailing when he requested the documents, who he spoke to about
17 the status of the documents, who he followed up with after he did not receive the
18 documents, and their responses. Plaintiff’s declaration shall include dates of his requests,
19 dates of his follow-up requests, names of the prison officials that he spoke to about the
20 matter, and their responses. If Plaintiff’s declaration demonstrates that he has done all
21 that was possible to acquire the documents from prison officials, the Court will consider
22 his application to proceed *in forma pauperis* complete.¹

23 **II. CONCLUSION**

24 For the foregoing reasons, it is ordered that Plaintiff’s incomplete application to
25 proceed *in forma pauperis* (ECF No. 6) is denied without prejudice.

26
27 ¹ Plaintiff must still submit the first three pages of the application to proceed *in forma*
28 *pauperis* on this Court’s approved form with his declaration. If Plaintiff does not submit the
first three pages of the application to proceed *in forma pauperis* with the declaration, the
Court will recommend dismissal of this case without prejudice for Plaintiff to open a new
case when he is able to acquire the required documents.

1 It is further ordered that the Clerk of the Court will send Plaintiff the approved form
2 application to proceed *in forma pauperis* for an inmate and instructions for the same.

3 It is further ordered that, on or before, June 7, 2024, Plaintiff will either pay the full
4 \$402 filing fee or file a complete application to proceed *in forma pauperis* on this Court's
5 approved form.

6 It is further ordered that if Plaintiff is not able to obtain his financial certificate and
7 inmate account statement from prison officials, Plaintiff shall file the first three pages of the
8 application to proceed *in forma pauperis* together with a declaration detailing the efforts he
9 took to acquire the financial certificate and inmate account statement from prison officials.

10 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
11 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
12 refile the case with the Court, under a new case number, when he can either pay the
13 required filing fee or file a complete application to proceed in forma pauperis.

14 DATED THIS 9 day of May 2024.

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18 UNITED STATES MAGISTRATE JUDGE