

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JARED BEEBE,
4 Plaintiff,
5 v.
6 TIM GARRET, et al.,
7 Defendants.

Case No.: 2:24-cv-00084-APG-DJA

ORDER

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9 On January 10, 2024, pro se plaintiff Jared Beebe, an inmate in the custody of the
10 Nevada Department of Corrections (“NDOC”), submitted a complaint under 42 U.S.C.
11 § 1983 and applied to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1, 1-1). Plaintiff’s IFP
12 application is incomplete because he did not include a financial certificate and an inmate
13 trust fund account statement for the previous six-month period with it. Plaintiff, however,
14 filed a document titled “Full Power of Attorney by Incarcerated Person” that names Kristin
15 Neal to act as an agent on his behalf, and a letter from Neal asking the Court to grant
16 Plaintiff relief, including to accept his IFP application as is. (ECF No. 1-3). For the reasons
17 discussed below, the Court denies all requests in Neal’s letter, but it grants Plaintiff an
18 extension of time to either pay the full filing fee or file his missing financial documents.

19 **I. DISCUSSION**

20 **A. Plaintiff’s Power of Attorney and Neal’s Letter**

21 Neal’s letter states that Plaintiff was recently transferred from Northern Nevada
22 Correctional Center to Southern Desert Correctional Center, Plaintiff’s legal mail is being
23 withheld, his financial certificate was confiscated, and he wants the Court to accept his
24 IFP application as is. (ECF No. 1-3 at 1.) Neal also asks that any correspondence be sent
25 to both her and Plaintiff, so they can ensure that Plaintiff’s mail is not being “intercepted”
26 and maintained for “safekeeping.” (*Id.*) Neal is not a party to this action. And there is no
27 indication that she is licensed to practice law in the State of Nevada or before this Court.

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1 Neal might be attempting to use the Power of Attorney to either appear pro se in
2 Plaintiff's place or act as his attorney. But in Nevada, "a nonlawyer agent under a power
3 of attorney is not entitled to appear pro se in place of the principal or engage in the practice
4 of law on the principal's behalf." *Eby v. Johnston Law Office, P.C.*, 518 P.3d 517, 526
5 (Nev. Ct. App. 2022). Rather, litigants who are not represented by counsel are pro se and
6 have the right to plead and conduct their own cases personally. 28 U.S.C. § 1654.
7 Because Neal is not a licensed attorney, she cannot prepare legal documents for Plaintiff
8 or argue in court on his behalf. And because Neal is neither an attorney or party in this
9 action, the Court cannot provide her courtesy copies of correspondence or filed
10 documents.

11 All requests in Neal's letter are therefore denied. If Neal wishes to receive paper
12 copies of electronically filed documents from the Court, the cost is \$0.10 per page, and
13 she must follow the instructions on the Court's Copy and Service Request form, which is
14 available on the Court's public website. Nev. LR IC 1-1(i)(5); 28 U.S.C. § 1914. Or if Neal
15 wishes to view the documents and files maintained in electronic form, she can do so "free
16 of charge in the clerk's office during regular business hours" or on the internet by obtaining
17 a PACER login and password. Nev. LR IC 1-1(i)(1), (2).

18 **B. Filing fee**

19 This Court must collect filing fees from parties initiating civil actions. 28 U.S.C.
20 § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which
21 includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any
22 person who is unable to prepay the fees in a civil case may apply to the court for leave to
23 proceed *in forma pauperis*." Nev. L.R. LSR 1-1. For an inmate to apply for *in forma*
24 *pauperis* status, the inmate must submit **all three** of the following documents to the Court:
25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages
26 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3;
27 (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that
28 is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. L.R. LSR 1-2. *In forma pauperis* status
3 does not relieve an inmate of his or her obligation to pay the filing fee, it just means that
4 the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 It appears that Plaintiff was recently transferred to a different prison and requires
6 more time to obtain his financial certificate and inmate trust fund account statement from
7 NDOC officials. The Court finds that good cause exists to extend the deadline for Plaintiff
8 to either pay the full filing fee or complete his IFP application by filing his missing financial
9 documents.

10 II. CONCLUSION

11 It is therefore ordered that all requests in Neal's letter (ECF No. 1-3) are denied.

12 Plaintiff is cautioned that the Court will disregard any additional requests made by
13 persons who are not Plaintiff himself or a licensed attorney who appears on his behalf.

14 It is further ordered that Plaintiff has **until April 8, 2024**, to either pay the full \$405
15 filing fee or file with the Court a completed financial certificate that is signed both by the
16 inmate and the prison or jail official and a copy of the inmate's trust fund account
17 statement for the previous six-month period.

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

22 The Clerk of the Court is directed to send Plaintiff Jared Beebe the approved form
23 application to proceed *in forma pauperis* for an inmate and instructions for the same and
24 retain the complaint (ECF No. 1-1) but not file it at this time.

25 DATED this 6th day of February 2024.

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28 UNITED STATES MAGISTRATE JUDGE