

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JAVIS BLAKE,  
4 Plaintiff,  
5 v.  
6 BRANDON SILBER, et al.,  
7 Defendants.

Case No.: 2:24-cv-00200-MMD-DJA

**ORDER**

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9 On January 29, 2024, pro se plaintiff Javis Blake, an inmate in the custody of the  
10 Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and  
11 applied to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1-1, 1). Plaintiff’s IFP application  
12 is incomplete because he failed to include a financial certificate and an inmate trust fund  
13 account statement for the previous six-month period with it. Plaintiff, however, filed a  
14 motion seeking to extend the deadline for him to file his missing financial documents,  
15 arguing they are delayed because of prison staffing issues. (ECF No. 1-2). Plaintiff also  
16 states that he is scheduled to be released from prison on February 14, 2024. (*Id.* at 2).  
17 The Court grants Plaintiff’s motion and extends the deadline for him to either pay the full  
18 filing fee or properly apply for *in forma pauperis* status depending on his circumstances.

19 **I. DISCUSSION**

20 This Court must collect filing fees from parties initiating civil actions. 28 U.S.C.  
21 § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which  
22 includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any  
23 person who is unable to prepay the fees in a civil case may apply to the court for leave to  
24 proceed *in forma pauperis*.” Nev. L.R. LSR 1-1. For a non-inmate to apply for *in forma*  
25 *pauperis* status, he or she must submit an application to proceed *in forma pauperis* on  
26 the Court’s approved form for non-inmates. But for an inmate to apply for *in forma*  
27 *pauperis* status, the inmate must submit **all three** of the following documents to the Court:  
28 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages

1 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3;  
2 (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that  
3 is properly signed by both the inmate and a prison or jail official; and (3) a copy of the  
4 **inmate’s prison or jail trust fund account statement for the previous six-month**  
5 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. L.R. LSR 1-2.

## 6 **II. CONCLUSION**

7 It is therefore ordered that Plaintiff’s motion for an extension of time (ECF No. 1-2)  
8 is granted.

9 It is further ordered that Plaintiff has **until April 8, 2024**, to either pay the full \$405  
10 filing fee or file with the Court a completed financial certificate that is signed both by the  
11 inmate and the prison or jail official and a copy of the inmate’s trust fund account  
12 statement for the previous six-month period; or, alternatively if Plaintiff has been released  
13 from custody, file with the Court a completed application to proceed *in forma pauperis* for  
14 non-inmates.

15 Plaintiff is cautioned that under Nevada Local Rule IA 3-1, a “pro se party must  
16 immediately file with the court written notification of any change of mailing address, email  
17 address, telephone number, or facsimile number.” “The notification must include proof of  
18 service on each opposing party or the party’s attorney.” Nev. L.R. IA 3-1. And “[f]ailure to  
19 comply with this rule may result in the dismissal of the action, entry of default judgment,  
20 or other sanctions as deemed appropriate by the court.” *Id.*

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

25 The Clerk of the Court is directed to send Plaintiff Jarvis Blake (1) the approved  
26 form application to proceed *in forma pauperis* for an inmate and instructions for the same  
27 and (2) the approved form application to proceed *in forma pauperis* for non-inmates and  
28 instructions for the same.

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The Clerk of the Court is further directed to retain the complaint (ECF No. 1-1) but not file it at this time.

DATED this 6<sup>th</sup> day of February 2024.



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UNITED STATES MAGISTRATE JUDGE