

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 STEVEN A. SIMMONS,

4 Plaintiff,

5 v.

6 STATE OF NEVADA, *et al.*,

7 Defendants.
8

Case No.: 2:24-cv-01011-CDS-BNW

ORDER

(ECF No. 1)

9 On May 28, 2024, pro se plaintiff Steven Simmons, an inmate in the custody of the Nevada
10 Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed
11 *in forma pauperis*. ECF Nos. 1-1, 1. The application to proceed *in forma pauperis* is deficient
12 because Plaintiff did not use the Court's approved form application and failed to submit a financial
13 certificate and an inmate trust fund account statement for the previous six-month period with it.

14 The United States District Court for the District of Nevada must collect filing fees from
15 parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a
16 civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See*
17 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the
18 court for leave to proceed *in forma pauperis*." Nev. LSR 1-1. For an inmate to apply for *in forma*
19 *pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a
20 completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the
21 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed
22 **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by
23 both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust**
24 **fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2);
25 Nev. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay
26 the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

27 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1) is
28 denied without prejudice.

1 It is further ordered that Plaintiff has **until August 2, 2024**, to either pay the full \$405 filing
2 fee or file a new fully complete application to proceed *in forma pauperis* with all three required
3 documents: (1) a completed application with the inmate's two signatures on page 3, (2) a
4 completed financial certificate that is signed both by the inmate and the prison or jail official, and
5 (3) a copy of the inmate's trust fund account statement for the previous six-month period.

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

10 The Clerk of the Court is directed to send plaintiff Steven Simmons the approved form
11 application to proceed *in forma pauperis* for an inmate and instructions for the same, and to retain
12 the complaint (ECF No. 1-1) but not file it at this time.

13 DATED: June 3, 2024

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17 UNITED STATES MAGISTRATE JUDGE