

1 The applicant’s affidavit must state the facts regarding the individual’s poverty “with
2 some particularity, definiteness and certainty.” *United States v. McQuade*, 647 F.2d 938, 940
3 (9th Cir. 1981) (citation omitted). If an individual is unable or unwilling to verify his or her
4 poverty, district courts have the discretion to make a factual inquiry into a plaintiff’s financial
5 status and to deny a request to proceed *in forma pauperis*. See, e.g., *Marin v. Hahn*, 271
6 Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not abuse its discretion by
7 denying the plaintiff’s request to proceed *in forma pauperis* because he “failed to verify his
8 poverty adequately”). “Such affidavit must include a complete statement of the plaintiff’s
9 personal assets.” *Harper v. San Diego City Admin. Bldg.*, No. 16-cv-00768 AJB (BLM), 2016
10 U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient
11 grounds for denying an *in forma pauperis* application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441,
12 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on
13 *in forma pauperis* application).

14 On his application, Plaintiff claims that his only income is Nevada Welfare for Energy
15 Assistance—which provides a supplement to assist qualifying low-income Nevadans with the
16 cost of home energy¹—and food stamps. But Plaintiff does not explain how much he receives
17 through those programs. He also claims to be unemployed, make no money from any other
18 source; have no money in cash or in a checking or savings account; have nothing of value; have
19 no bills; have no dependents; and have no debts or financial obligations.

20 On the docket, Plaintiff includes an address. The Court takes judicial notice of the fact
21 that public records reveal the address is an apartment complex. Plaintiff does not provide any
22 details in the application regarding how he pays rent, how he pays bills and utilities other than his
23 energy costs, or how he lives considering his claim to have no money and no bills. Additionally,
24 Plaintiff’s complaint centers around the fact that the Nevada Real Estate Division denied his
25 broker license application, which application costs between \$160 and \$235, depending on the

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27 ¹ See *Energy Assistance Program*, NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES
28 DIVISION OF WELFARE AND SUPPORTIVE SERVICES,
https://dwss.nv.gov/Energy/1_Energy_Assistance/ (last visited August 29, 2024).

1 application.² (ECF No. 1-1 at 11). But he does not include this expense in his application.
2 Plaintiff also alleges that the denial of his license has resulted in lost income and legal expenses.
3 (*Id.*). But Plaintiff does not include any income or legal expenses on his application. The Court
4 finds that Plaintiff has omitted information from the application. As a result, the Court cannot
5 determine whether Plaintiff qualifies for *in forma pauperis* status.

6 The Court will give Plaintiff one opportunity to file a complete *in forma pauperis*
7 application. The Court further orders that Plaintiff may not respond with a zero or “not
8 applicable” in response to any question without providing an explanation for each of the
9 questions. Plaintiff also may not leave any questions blank. Plaintiff must describe each source
10 of money that he receives, state the amount he received, and what he expects to receive in the
11 future.

12 The Court denies Plaintiff’s *in forma pauperis* application without prejudice. The Court
13 gives Plaintiff 30 days to file an updated application. Plaintiff must fully answer all applicable
14 questions and check all applicable boxes. Plaintiff may alternatively pay the filing fee in full.
15 Since the Court denies Plaintiff’s application, it does not screen the complaint at this time.

16 **II. Plaintiff’s motion to file an addendum to his complaint.**

17 Plaintiff moves to file an addendum to the complaint he attaches to his application to
18 proceed *in forma pauperis* so that he may provide additional facts and clarify certain issues.
19 (ECF No. 3). However, a complaint must be complete in itself, without references to prior
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21 ² See *Real Estate Broker – Initial License Requirements (October 1, 2021 and After)*, NEVADA
22 DEPARTMENT OF BUSINESS AND INDUSTRY NEVADA REAL ESTATE DIVISION,
23 https://red.nv.gov/Content/Real_Estate/Broker/Initial_License_Requirements/ (last visited August
24 29, 2024) (\$160 for initial license); see *Broker First Renewal – Licenses Expiring on or After*
25 *October 31, 2021*, NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY NEVADA REAL ESTATE
26 DIVISION, https://red.nv.gov/Content/Real_Estate/Broker/First_Renewal/ (last visited August 29,
27 2024) (\$235 for first license renewal); see *Broker Subsequent Renewals – Licenses Expiring on or*
28 *After October 31, 2021*, NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY NEVADA REAL
ESTATE DIVISION, https://red.nv.gov/Content/Real_Estate/Broker/Subsequent_Renewal_After/
(last visited August 29, 2024) (\$235 for subsequent license renewals); see *Broker Inactive*
Renewal, NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY NEVADA REAL ESTATE DIVISION,
https://red.nv.gov/Content/Real_Estate/Broker/Inactive_Renewal/ (last visited August 29, 2024)
(\$235 for inactive license renewal).

1 complaints. *See Festa v. NDOC*, No. 2:17-cv00850-APG-NJK, 2018 WL 3715708, at *1 (D.
2 Nev. Aug. 3, 2018). This is because an amended complaint supersedes (replaces) an original
3 complaint. *See id.* (citing *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542,
4 1546 (9th Cir. 1989)). The Court denies Plaintiff's motion to file an addendum to his complaint.
5 Plaintiff may choose to file an amended complaint along with any renewed application to proceed
6 *in forma pauperis* or along with the payment of the filing fee. If he does, the Court will disregard
7 his original complaint and only consider the amended complaint, so any amendment must be
8 complete in itself.

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1 **IT IS THEREFORE ORDERED** that Plaintiff’s application to proceed *in forma*
2 *pauperis* (ECF No. 1) is **denied without prejudice**.

3 **IT IS FURTHER ORDERED** that Plaintiff has until **September 30, 2024** to file an
4 updated application to proceed *in forma pauperis* as specified in this order or pay the filing fee.
5 **Failure to timely comply with this order may result in a recommendation to the district**
6 **judge that this case be dismissed.**

7 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
8 a copy of this order and of the Short Form application to proceed *in forma pauperis* and its
9 instructions.³

10 **IT IS FURTHER ORDERED** that Plaintiff’s motion to file an addendum to his
11 complaint (ECF No. 3) is **denied**. Plaintiff may choose to file an amended complaint along with
12 any renewed application to proceed *in forma pauperis* or along with the payment of the filing fee.
13 If he does, the Court will disregard his original complaint and only consider the amended
14 complaint, so any amendment must be complete in itself.

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16 DATED: August 29, 2024

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19 DANIEL J. ALBRECHTS
20 UNITED STATES MAGISTRATE JUDGE
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28 ³ This form and its instructions can also be found at <https://www.nvd.uscourts.gov/court-information/forms/> under Code AO 240.