

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MARK HAGERMAN,
4 Plaintiff,

5 v.

6 NDOC MEDICAL, et al.,
7 Defendants.
8

Case No.: 2:24-cv-01645-GMN-MDC

ORDER
(ECF No. 3)

9 On September 5, 2024, pro se plaintiff Mark Hagerman, an inmate in the custody
10 of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983.
11 (ECF No. 1-1). Plaintiff subsequently filed an application to proceed *in forma pauperis*
12 (ECF No. 3). Plaintiff's application to proceed *in forma pauperis* is incomplete because
13 **the financial certificate is not complete and Plaintiff did not include an inmate trust**
14 **fund account statement for the previous six-month period.** The Court will deny
15 Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these
16 deficiencies **by November 20, 2024.**

17 **I. DISCUSSION**

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

5 As explained above, Plaintiff's application to proceed *in forma pauperis* is
6 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
7 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
8 fee or file a new fully complete application to proceed *in forma pauperis* with all three
9 required documents.

10 II. CONCLUSION

11 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 3)
12 is denied without prejudice.

13 It is further ordered that Plaintiff has **until November 20, 2024**, to either pay the
14 full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis*
15 with all three required documents: (1) a completed application with the inmate's two
16 signatures on page 3, (2) a completed financial certificate that is signed both by the
17 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
18 statement for the previous six-month period.

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

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

26 DATED THIS 23rd day of September 2024.

27
28 
UNITED STATES MAGISTRATE JUDGE