

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 BARRY HARRIS,
4 Plaintiff,
5 v.
6 STATE OF NEVADA,
7 Defendant.

Case No.: 2:24-cv-01748-JAD-DJA

ORDER

8
9 **I. DISCUSSION**

10 On September 17, 2024, Plaintiff, an inmate in the custody of the Nevada
11 Department of Corrections (“NDOC”), filed a motion for a temporary restraining order and
12 preliminary injunction. (ECF No. 1-1). Plaintiff did not file a complaint. Under Federal Rule
13 of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.”
14 Fed. R. Civ. P. 3. As such, the Court grants Plaintiff **until November 20, 2024**, to submit
15 a complaint to this Court.

16 Plaintiff has also not filed an application to proceed *in forma pauperis* or paid the
17 \$405 filing fee. This Court must collect filing fees from parties initiating civil actions. 28
18 U.S.C. § 1914(a). “Any person who is unable to prepay the fees in a civil case may apply
19 to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate
20 to apply for *in forma pauperis* status, the inmate must submit **all three** of the following
21 documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis**
22 **for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by
23 the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the
24 Court’s approved form, that is properly signed by both the inmate and a prison or jail
25 official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for**
26 **the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2.
27 *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the
28 filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C.

1 § 1915(b). The Court grants Plaintiff **until November 20, 2024**, to submit a complete
2 application to proceed *in forma pauperis* or pay the \$405 filing fee in full.

3 **II. CONCLUSION**

4 It is therefore ordered that Plaintiff has **until November 20, 2024**, to submit a
5 complaint to this Court.

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

12 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
13 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
14 refile the case, under a new case number, when Plaintiff can file a complaint and either
15 file a complete application to proceed *in forma pauperis* or pay the required filing fee.

16 The Clerk of the Court is directed to send Plaintiff Barry Harris: (1) the approved
17 form for filing a 42 U.S.C. § 1983 complaint, instructions for the same, and a copy of his
18 motion for a temporary restraining order and preliminary injunction (ECF No. 1-1); and
19 (2) an application to proceed *in forma pauperis* for an inmate and instructions for the
20 same.

21 DATED THIS 24th day of September 2024.



22
23 UNITED STATES MAGISTRATE JUDGE