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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SCOTTIE RAY VAN NORT,
Plaintiff,
vs.
GLEN FAIR, *et al.*
Defendants.

3:09-cv-00041-BES-RAM

ORDER

Plaintiff, an inmate in the custody of the Carson City Sheriff's Office, has filed an application (#1) to proceed *in forma pauperis* seeking to initiate a civil rights action.

The financial materials submitted with the application have not been properly completed, and the materials further appear to potentially have been altered by someone other than an authorized institutional officer. First, the financial certificate was not fully completed. All four lines of financial information in the financial certificate must be completed. Second, there is additional writing on the financial certificate and the attached account statement that does not appear to have been made by the officer who signed the certificate. In particular, the financial information that is written on the financial certificate appears to be written by a different hand, and there is additional, apparently unauthorized, writing on the inmate account statement. If plaintiff wishes to provide additional information regarding his financial circumstances, as he has sought to do in papers accompanying the application, he must do so by a separate sworn declaration. But if there is any indication that the financial

1 materials from the institution have been altered in any way on an application to proceed *in*
2 *forma pauperis*, the Court, at the very least, will deny the application.

3 To the extent that plaintiff refers to a request for unspecified emergency relief in his
4 accompanying papers, he has not alleged or established an emergency warranting relief
5 without first complying with the requirements for properly commencing an action. Nor has he
6 established a basis for emergency relief without appropriate notice to the defendants.

7 IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis*
8 is DENIED without prejudice and that this action is DISMISSED without prejudice to the filing
9 of a new complaint in a new action accompanied by either the required \$350.00 filing fee or
10 a properly completed application to proceed *in forma pauperis*.


11 IT FURTHER IS ORDERED that all additional requests for procedural relief asserted
12 in the papers accompanying the application and complaint are denied without prejudice.

13 IT FURTHER IS ORDERED that the Clerk of Court shall send plaintiff: (a) two copies
14 each of an *in forma pauperis* application form for a prisoner and a Section 1983 complaint
15 form; (b) one copy each of the instructions for the pauper form and the Section 1983
16 complaint form; and (c) one copy of the papers that plaintiff submitted in this action.

17 The Clerk of Court shall enter final judgment accordingly, dismissing this action
18 without prejudice.

19 DATED: This 2nd day of February, 2009.

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BRIAN E. SANDOVAL
United States District Judge