

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TONY WILLIAMS,  
*Plaintiff,*  
vs.  
S.L. FOSTER, *et al.*  
*Defendants.*

2:12-cv-00596-LRH-VPC  
  
ORDER

Plaintiff, a Hawaii inmate incarcerated in Nevada, has filed an application (#1) to proceed *in forma pauperis* seeking to initiate a civil rights action.

Plaintiff has not submitted a proper application to proceed *in forma pauperis*. Under 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1 and 1-2, a plaintiff must submit an application on the Court’s required form. The plaintiff did not submit the application on the required form.

It does not appear from review of the allegations presented that a dismissal without prejudice would lead to a promptly filed and properly commenced new action being time-barred. This improperly-commenced action therefore will be dismissed without prejudice.

IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis* is DENIED without prejudice.

IT FURTHER IS ORDERED that this action is DISMISSED without prejudice to the filing of a new complaint in a new action together with either the required \$350.00 filing fee or a properly completed application to proceed *in forma pauperis* on the proper form and with all required, and new, financial attachments.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT FURTHER IS ORDERED that the Clerk shall SEND plaintiff two copies each of an *in forma pauperis* application form for a prisoner and a § 1983 complaint form, one copy of the instructions for each form, and one copy of the papers that plaintiff submitted in this action.

The Clerk shall enter final judgment accordingly, dismissing this action without prejudice.

DATED this 19th day of November, 2012.



LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE