

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**

| | | |
|------------------------------|---|-----------------------|
| GLENN GALVAN, |) | 3:13-cv-00234-MMD-WGC |
| Plaintiff, |) | <u>ORDER</u> |
| vs. |) | |
| NATIONSTAR MORTGAGE, et. al. |) | |
| Defendant. |) | |

Before the court is Plaintiff’s application to proceed in forma pauperis. (Doc. # 1.)¹

A person may be granted permission to proceed in forma pauperis if the person “submits an affidavit that includes a statement of all assets such [person] possesses [and] that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1). “[T]he supporting affidavits [must] state the facts as to the affiant’s poverty with some particularity, definiteness, and certainty.” *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (per curiam) (citing *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)). The litigant need not “be absolutely destitute to enjoy the benefits of the statute.” *Adkins v. E.I. du Pont De Nemours & Co.*, 335 U.S. 331, 339 (1948).

A review of Plaintiff’s financial affidavit reveals that he is unable to pay the filing fee. As a result, Plaintiff’s application to proceed in forma pauperis (Doc. # 1) is **GRANTED**.

¹Refers to court’s docket number.

1 CONCLUSION

2 **IT IS HEREBY ORDERED** that:

3 (1) Plaintiff's application to proceed in forma pauperis (Doc. # 1) is **GRANTED**. The movant
4 herein is permitted to maintain this action without the necessity of prepayment of fees or costs or the
5 giving of security therefor. This order granting in forma pauperis status does not extend to the issuance
6 of subpoenas at government expense.

7 (2) The Clerk is instructed to **FILE** the complaint (Doc. #1-1);

8 (3) Henceforth, plaintiff shall serve upon defendants or, if appearance has been entered by
9 counsel, upon the attorney(s) a copy of every pleading, motion or other document submitted for
10 consideration by the court. Plaintiff shall include with the original paper to be filed with the clerk of
11 the court a certificate stating the date that a true and correct copy of the document was mailed to the
12 defendants or counsel for defendants. The court may disregard any paper received by a District Judge
13 or a Magistrate Judge which has not been filed with the clerk of the court, and any paper received by
14 a District Judge, Magistrate Judge or Clerk of the Court which fails to include a certificate of service;

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 (4) The Clerk shall **ISSUE** a summons to the defendants and deliver the same to the U.S.
2 Marshal for service. The Clerk shall **SEND** Plaintiff sufficient copies of the complaint and service of
3 process forms (USM-285) for each defendant. Plaintiff shall have twenty days in which to furnish the
4 U.S. Marshal the required form USM-285 for each defendant. Within twenty days after receiving from
5 the U.S. Marshal a copy of the USM-285 form showing whether service has been accomplished,
6 Plaintiff must file a notice with the court identifying which defendants were served and which were not
7 served, if any. If Plaintiff wishes to have service again attempted on any unserved defendant, then a
8 motion must be filed identifying the unserved defendant(s) and specifying a more detailed name and/or
9 address for said defendant, or whether some other manner of service should be attempted. Plaintiff is
10 reminded that, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must be
11 accomplished within one hundred twenty (120) days of the date of this order.

12
13
14 DATED: October 22, 2013.

15
16 

17

WILLIAM G. COBB
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28