

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**INFORMATION FOR FILING AN APPLICATION TO PROCEED
IN FORMA PAUPERIS BY AN INMATE UNDER 28 U.S.C. § 1915**

Please use the attached form if you are an inmate. If you are an inmate who is unable to pay the entire filing fee at the time you file your complaint or petition, you must submit a completed inmate's application to proceed *in forma pauperis* to the court. Nev. Local Special Rule ("LSR") 1-1. Your application must include copies of your inmate trust account statement for the past six months and a properly executed financial certificate signed by an authorized officer at your institution.

If you are filing a non-habeas civil action, including a civil rights action pursuant to 42 U.S.C. § 1983, please follow the instructions outlined in Section A. If you are filing a petition for writ of habeas corpus, please follow the instructions outlined in Section B. To submit your application, please follow the instructions outlined in Section C.

If you have the money to pay the full filing fee, please send a check or money order made payable to "CLERK, U.S. DISTRICT COURT" with your complaint or petition.

A. Non-Habeas Civil Actions

The fee for filing any civil action other than a petition for writ of habeas corpus is \$400 (which includes the \$350 filing fee and the \$50 administrative fee). If you are granted leave to proceed *in forma pauperis*, you must still pay the \$350 filing fee (but not the \$50 administrative fee) in the form of several installment payments. 28 U.S.C. § 1915(b).

You must pay an initial partial filing fee of 20 percent of the greater of: (a) the average monthly deposits to your account for the 6-month period immediately before the complaint was filed, or (b) the average monthly balance in your account for the 6-month period immediately before the complaint was filed. The court will use the information provided on the financial certificate and the inmate trust account statement to determine the filing fee immediately due and will send instructions to you and the prison or jail trust account office for payment if *in forma pauperis* status is granted.

After the initial partial filing fee is paid, your prison's or jail's trust account office will forward to the court each month 20 percent of the most recent month's income from your prison or jail trust account, to the extent that your account exceeds \$10. Monthly payments will be required until the full filing fee of \$350 is paid. If you have no funds over \$10 in your account, you will not be required to pay a part of the filing fee for that month.

If your application to proceed *in forma pauperis* is granted, you will be liable for the full \$350 filing fee even if your civil action is dismissed. The court will continue to collect payments until the entire filing fee is paid.

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B. Habeas Actions

The fee for filing a petition for a writ of habeas corpus is \$5. There is no administrative fee. If you are granted leave to proceed *in forma pauperis*, you will not be required to pay any portion of this fee. If you are not granted leave to proceed *in forma pauperis*, you must pay the \$5 fee in one payment and not in installments.

If you use a habeas form to file a non-habeas civil action, you will be required to pay the fee applicable to all non-habeas civil actions.

C. Submission of Application

To submit your application to proceed *in forma pauperis*, complete the attached form and return the form to the court with your complaint or petition.

In civil actions filed by *pro se* (self-represented) inmates, the action must be filed in the unofficial division of the court in which the inmate is held when the complaint or petition is submitted for filing. Nev. Local Rule ("LR") IA 1-6, 1-8. The Clerk of the Court maintains offices in Las Vegas and Reno at the following addresses:

Unofficial Southern Division (Clark, Esmeralda, Lincoln, & Nye counties):

U.S. District Court Office of the Clerk
333 Las Vegas Boulevard, South, Room #1334
Las Vegas, NV 89101

Unofficial Northern Division (all other counties):

U.S. District Court Office of the Clerk
400 S. Virginia Street, Room #301
Reno, NV 89501

If you are incarcerated at a facility that uses electronic filing and you are filing a non-habeas action, please continue to use electronic filing.

If you are filing a habeas action, you must submit all of your documents by mail.