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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BRIT F. AUGBORNE, III,

Plaintiff,

v.

FILSON et al.,

Defendants.

Case No. 3:17-cv-00393-MMD-VPC

ORDER

I. DISCUSSION

On August 8, 2017, this Court dismissed Plaintiff's case without prejudice and entered judgment accordingly because Plaintiff failed to file a fully complete application to proceed *in forma pauperis* or pay the filing fee as directed by this Court's June 27, 2017 order. (ECF No. 4, 5.) On August 14, 2017, Plaintiff filed a fully complete application to proceed *in forma pauperis*. (ECF No. 6.) On August 25, 2017, Plaintiff filed a letter "claiming excusable delay due to the fact that [he] had to wait for the six-month financial statement in order to submit the motion to proceed *in forma pauperis*." (ECF No. 7 at 1.) Plaintiff also states that he did submit the information prior to the 30-day period to prison officials pursuant to a brass slip. (*Id.*)

The Court construes Plaintiff's August 25, 2017 letter as a motion for reconsideration to reopen the case. The Court grants the motion for reconsideration, vacates the dismissal order, and reopens this case. The Court finds that the operative application to proceed *in forma pauperis* is located at ECF No. 6. The Court will screen Plaintiff's complaint in the future and issue a separate order. The screening process may

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take several months.

II. CONCLUSION

For the foregoing reasons, it is ordered that Plaintiff's letter (ECF No. 7) is construed as a motion for reconsideration to reopen this case.

It is further ordered that the motion for reconsideration (ECF No. 7) is granted. The Clerk of the Court will vacate the dismissal order and judgment (ECF No. 4, 5) and reopen this case.

It is further ordered that the Court will rule on the application to proceed *in forma pauperis* (ECF No. 6) and screen the complaint (ECF No. 1-1) in a separate order.

DATED THIS 28th day of August 2017.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE