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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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ANGELO FERGUSON,

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Plaintiff,

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v.

3:17-cv-00668-MMD-WGC

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STATE OF NEVADA,

ORDER

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Defendant.

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I. DISCUSSION

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A. *In Forma Pauperis* Application

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On November 7, 2017, this Court issued an order denying Plaintiff's application to proceed *in forma pauperis* without prejudice to file a new application because Plaintiff's application had been incomplete. (ECF No. 3). On November 15, 2017, Plaintiff filed a new application to proceed *in forma pauperis*. (ECF No. 4). However, this application is also incomplete.

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Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate or an inmate account statement. (See ECF No. 4). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 4-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted one final opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*. If Plaintiff files

1 another incomplete application to proceed *in forma pauperis*, the Court will dismiss the case
2 in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire the
3 necessary documents to file a complete application to proceed *in forma pauperis*.

4 **B. Change of Address**

5 According to the NDOC inmate database and the mail returned undeliverable, it
6 appears that Plaintiff is no longer at the address listed with the Court. (See ECF No. 5). The
7 Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must
8 immediately file with the court written notification of any change of mailing address, email
9 address, telephone number, or facsimile number. The notification must include proof of service
10 on each opposing party or the party’s attorney. Failure to comply with this rule may result in
11 the dismissal of the action, entry of default judgment, or other sanctions as deemed
12 appropriate by the court.” Nev. Loc. R. IA 3-1. This Court grants Plaintiff thirty (30) days from
13 the date of entry of this order to file his updated address with this Court. If Plaintiff does not
14 update the Court with his current address within thirty (30) days from the date of entry of this
15 order, the Court will dismiss this action without prejudice.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed *in*
18 *forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

19 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
20 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
21 entitled information and instructions for filing an *in forma pauperis* application.

22 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
23 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
24 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
25 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
26 administrative fee).

27 IT IS FURTHER ORDERED that, if Plaintiff’s next application to proceed *in forma*
28 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a

1 new case when he is able to acquire the necessary documents to file a complete application
2 to proceed *in forma pauperis*.

3 IT IS FURTHER ORDERED that Plaintiff shall file his updated address with the Court
4 within **thirty (30) days** from the date of this order.

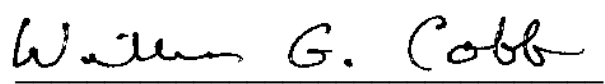
5 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
6 dismissal of this action may result.

7 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
8 No. 4-1), but shall not file it at this time.

9 IT IS FURTHER ORDERED that the Clerk of the Court shall send a one-time courtesy
10 copy of this order to Plaintiff at High Desert State Prison.

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DATED: This 17th day of November, 2017.


United States Magistrate Judge