

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 IVAN LEE MATTHEWS, II,

4 Plaintiff

Case No. 3:19-cv-00003-RCJ-WGC

ORDER

5 v.

6 JO GENTRY et al.,

7 Defendants

8  
9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).  
12 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed  
13 in forma pauperis.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
15 application to proceed in forma pauperis and attach both an inmate account statement  
16 for the past six months and a properly executed financial certificate. The Court will retain  
17 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the  
18 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an  
19 application to proceed in forma pauperis, or in the alternative, pay the full filing fee for this  
20 action. If Plaintiff chooses to file an application to proceed in forma pauperis he must file  
21 a fully complete application to proceed in forma pauperis.

22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
24 Plaintiff the approved form application to proceed in forma pauperis by a prisoner, as well  
25 as the document entitled information and instructions for filing an in forma pauperis  
26 application.

27 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
28 Plaintiff must either: (1) file a fully complete application to proceed in forma pauperis, on

1 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
2 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
3 fee and the \$50 administrative fee).

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

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

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9 DATED: January 4, 2019.

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*Walter G. Cobb*  
UNITED STATES MAGISTRATE JUDGE

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