

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 BRUCE BIRCH,

4 Plaintiff

Case No. 3:19-cv-00643-MMD-WGC

ORDER

5 v.

6 WILLIAM GITTERE, *et al.*,

7 Defendants

8
9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections,
11 has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an
12 application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1).

13 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to
14 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
15 proceed *in forma pauperis* and attach both an inmate account statement for the past
16 six months and a properly executed financial certificate. Plaintiff has not submitted a
17 signature on the penalty of perjury section at the bottom of page 3 of the application to
18 proceed *in forma pauperis*. (See ECF No. 1). As such, the *in forma pauperis* application
19 is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No.
20 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff
21 will be granted an opportunity to cure the deficiencies of his application to proceed *in*
22 *forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff
23 chooses to file a new application to proceed *in forma pauperis*, he must file a fully
24 complete application to proceed *in forma pauperis* and attach both an inmate account
25 statement for the past six months and a properly executed financial certificate.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
28 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

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

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

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

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

DATED: October 23, 2019.

Warren G. Cobb
UNITED STATES MAGISTRATE JUDGE