

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RICHARD IDEN,

4 Plaintiff

Case No. 3:20-cv-00108-RFB-CLB

ORDER

5 v.

6 ELY STATE PRISON, et al.,

7 Defendants

8
9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has filed a notice of emergency complaint. (ECF No. 1-1). Plaintiff has not
12 filed a complaint or an application to proceed in forma pauperis in this matter.

13 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a
14 complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff forty-five
15 (45) days from the date of this order to submit a complaint to this Court.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
17 application to proceed in forma pauperis and attach both an inmate account statement
18 for the past six months and a properly executed financial certificate. Plaintiff will be
19 granted an opportunity to file an application to proceed in forma pauperis, or in the
20 alternative, pay the full filing fee for this action within forty-five (45) days from the date of
21 this order. If Plaintiff chooses to file an application to proceed in forma pauperis, he must
22 file a fully complete application to proceed in forma pauperis, including an inmate account
23 statement for the past six months and a properly executed financial certificate.

24 **II. CONCLUSION**

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

1 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this
2 order, Plaintiff must either: (1) file a fully complete application to proceed in forma
3 pauperis, on the correct form with complete financial attachments, including an inmate
4 account statement for the past six months and a properly executed financial certificate, in
5 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
6 (which includes the \$350 filing fee and the \$50 administrative fee).

7 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
8 **forty-five (45) days** from the date of this order.

9 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
10 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
11 Clerk of the Court will also send Plaintiff a copy of his notice of emergency complaint.
12 (ECF No. 1-1).

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

15 DATED: February 21, 2020.

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18 UNITED STATES MAGISTRATE JUDGE
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