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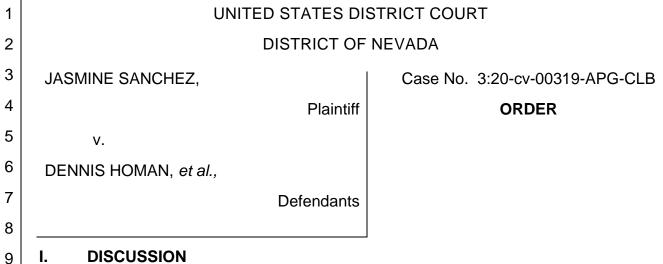
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## I. **DISCUSSION**

On June 1, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and a Financial Certificate with an inmate account statement for the previous six-month period. (ECF Nos. 1-1, 1-2). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed in forma pauperis.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed in forma pauperis in order to file the civil action without prepaying the full \$400 filing fee. To apply for in forma pauperis status, the inmate must submit <u>all three</u> the following documents to the Court:

- (1) a completed Application to Proceed in Forma Pauperis for Inmate, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a Financial Certificate properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

The Court will grant Plaintiff a one-time opportunity to file a fully complete application to proceed in forma pauperis containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **August 3, 2020**.

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27 28 Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a fully complete application to proceed in forma pauperis with all three required documents or pay the full \$400 filing fee on or before August 3, 2020, the Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court when Plaintiff is either able to acquire all three of the documents needed to file a fully complete application to proceed in forma pauperis or pay the full \$400 filing fee.

To clarify, a dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with an application to proceed in forma pauperis. Alternatively, Plaintiff may choose not to file an application to proceed in forma pauperis and instead pay the full filing fee of \$400 on or before August 3, 2020 to proceed with this case. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not file the complaint unless and until Plaintiff timely files a fully complete application to proceed in forma pauperis with all three documents or pays the full \$400 filing fee.

## II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed in forma pauperis by an inmate, as well as the document entitled information and instructions for filing an in forma pauperis application.

IT IS FURTHER ORDERED that on or before **August 3, 2020**, Plaintiff will either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50 administrative fee) or file with the Court:

- (1) a completed Application to Proceed in Forma Pauperis for Inmate on this Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page 3),
- (2) a Financial Certificate properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

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## (3) a copy of the <u>inmate's prison or jail trust fund account statement for the</u> previous six-month period.

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action on or before **August 3, 2020**, the Court will dismiss this action without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

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: June 2, 2020.

UNITED STATES MAGISTRATE JUDGE