

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JAMIL GERONIMO,

4 Plaintiff

Case No. 3:20-cv-00320-MMD-WGC

ORDER

5 v.

6 ELY STATE PRISON, *et al.*,

7 Defendants

8
9 **I. DISCUSSION**

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

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

19 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
20 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
21 page 3),

22 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
23 official (i.e. page 4 of this Court's approved form), and

24 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
25 **previous six-month period.**

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

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

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

16 **II. CONCLUSION**

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

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

24 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
25 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
26 signatures on page 3),

27 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
28 official (i.e. page 4 of this Court's approved form), and

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(3) a copy of the **inmate’s prison or jail trust fund account statement for the 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

William G. Cobb
UNITED STATES MAGISTRATE JUDGE