

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	HARRY LEE BOGGS, JR.,	Case No. 3:21-cv-00186-MMD-WGC
4		<b>ORDER</b>
5	v.	
6	WILLIAM A. GITTERE, <i>et al.</i> ,	
7		Defendants
8		

## 9 I. DISCUSSION

10 On April 21, 2021, 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. (ECF  
12 No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an  
13 application to proceed *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
16 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the  
17 inmate must submit all three of the following documents to the Court:

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

25 The Court will grant Plaintiff a **one-time** opportunity to file a fully complete  
26 application to proceed *in forma pauperis* containing all three of the required documents,  
27 or in the alternative, pay the full \$402 filing fee for this action on or before **June 25, 2021**.  
28 Absent unusual circumstances, the Court will not grant any further extensions of time.

1        If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
2 with all three required documents or pay the full \$402 filing fee on or before **June 25,**  
3 **2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case  
4 with the Court when Plaintiff is either able to acquire all three of the documents needed  
5 to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing  
6 fee.

7        A dismissal without prejudice means Plaintiff does not give up the right to refile the  
8 case with the Court, under a new case number, when Plaintiff has all three documents  
9 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
10 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
11 full filing fee of \$402 on or before **June 25, 2021** to proceed with this case.

12       The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
13 will not file the complaint unless and until Plaintiff timely files a fully complete application  
14 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

15 **II. CONCLUSION**

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

20       IT IS FURTHER ORDERED that on or before **June 25, 2021**, Plaintiff will either  
21 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
22 administrative fee) or file with the Court:

23       (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
24 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
25 signatures on page 3),  
26       (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
27 official (i.e. page 4 of this Court's approved form), and  
28       (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 \$402 filing fee for a civil action on or before **June 25, 2021**, this case will be subject to dismissal 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 \$402 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: April 26, 2021

Walter G. Cobb

**UNITED STATES MAGISTRATE JUDGE**