

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	RACHEL MARIE WHITTED, aka Ralph Whitted (#1212277),	Case No. 3:21-cv-00193-MMD-CLB
4		<b>ORDER</b>
5		Plaintiff
6	v.	
7	LAURA,	
8		Defendant

## I. DISCUSSION

On April 26, 2021, 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 filed a financial certificate and inmate account statement for the previous six-month period. (ECF Nos. 1-1, 1-2). Plaintiff has not filed an application to proceed *in forma pauperis* on this Court's approved form or a financial certificate on this Court's approved form.

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 \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of 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 extension to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before

1       **June 28, 2021.** Absent unusual circumstances, the Court will not grant any further  
2       extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma*  
3       *pauperis* with all three required documents on or before **June 28, 2021**, this case will be  
4       subject to dismissal without prejudice for Plaintiff to file a new case with the Court when  
5       Plaintiff is able to acquire all three of the documents needed to file a fully complete  
6       application to proceed *in forma pauperis* or pays the full \$402 filing 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 the 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 28, 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 28, 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**

1                   previous six-month period.

2                   IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
3 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
4 filing fee for a civil action on or before **June 28, 2021**, this case will be subject to dismissal  
5 without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
6 when Plaintiff has all three documents needed to file a complete application to proceed  
7 *in forma pauperis* or pays the the full \$402 filing fee.

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

10                  DATED: April 28, 2021

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13                  UNITED STATES MAGISTRATE JUDGE

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