

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RACHEL MARIE WHITTED,
aka Ralph Whitted (#1212277),

Plaintiff

v.

LAURA,

Defendant

Case No. 3:21-cv-00193-MMD-CLB

ORDER

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**

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