

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 MITCHELL KEITH GOODRUM,

Case No.: 3:22-cv-00202-ART-CSD

4 Plaintiff

Order

5 v.

6 STATE OF NEVADA, et al.,

7 Defendants

8 Plaintiff is an inmate within the Nevada Department of Corrections (NDOC). He initiated
9 this action by filing a motion to move this case from the Tenth Judicial District to the U.S.
10 District Court. (ECF No. 1-1.) Plaintiff subsequently filed a motion for leave to amend along
11 with a proposed amended civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.)
12

13 The Local Rules of Practice for the District of Nevada provide: “Any person who is
14 unable to prepay the fees in a civil case may apply to the court for authority to proceed *in forma*
15 *pauperis* (IFP). The application must be made on the form provided by the court and must
16 include a financial affidavit disclosing the applicant’s income, assets, and liabilities.” LSR 1-1.
17 When a prisoner seeks to proceed without prepaying the filing fee, in addition to filing the
18 affidavit, the prisoner is required to submit a certified copy of the trust fund account statement
19 (or institutional equivalent) for the six-month period immediately preceding the filing of the
20 complaint. The statement must be obtained from the appropriate official at the prison or
21 detention facility where the prisoner is or was confined. 28 U.S.C. § 1915(a)(2).

22 When a prisoner brings a civil action IFP, the prisoner is still required to pay the full
23 amount of the filing fee. The court is required to assess, and when funds exist, collect an initial
partial payment of 20 percent of the greater of: (A) the average monthly deposits in the

1 prisoner's account or (B) the average monthly balance in the prisoner's account for the six-
2 month period immediately preceding the filing of the complaint. Thereafter, whenever the
3 prisoner's account exceeds \$10, the prisoner must make monthly payments of 20 percent of the
4 preceding month's income credited to the prisoners account until the filing fees are paid. The
5 funds are to be forwarded by the agency having custody of the prisoner. 28 U.S.C. § 1915(b)(1),
6 (2).

7 The regular filing fee is \$402, consisting of the \$350 filing fee and a \$52 administrative
8 fee. If an inmate does not qualify for IFP status, he must pay the full \$402 filing fee. If the
9 inmate qualifies for IFP status, the \$52 administrative fee is waived, and the inmate will only pay
10 the \$350 filing fee over time.

11 Plaintiff has not submitted the IFP application and the required financial certificate or
12 paid the filing fee.

13 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP
14 for an inmate. Plaintiff has until **May 31, 2022**, to either file his completed IFP application and
15 financial certificate or pay the full \$402 filing fee.

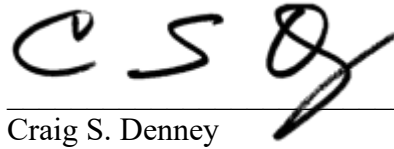
16 Once Plaintiff has filed his completed IFP application and financial certificate or paid the
17 filing fee, the court will address Plaintiff's motion to amend and will screen the proposed
18 amended complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) or 28 U.S.C. § 1915A, or both. Both
19 require dismissal of a complaint, or any portion thereof, that is frivolous or malicious, fails to
20 state a claim upon which relief may be granted, or seeks monetary relief against a defendant who
21 is immune from such relief. If the complaint is dismissed on screening, there will be no refund of
22 the filing fee, and an inmate proceeding IFP is still required to pay the \$350 filing fee over time.

23

1 If Plaintiff fails to timely file a completed IFP application and financial certificate or pay
2 the filing fee, this court will recommend dismissal of this action without prejudice.

3 **IT IS SO ORDERED.**

4 Dated: May 9, 2022



Craig S. Denney
United States Magistrate Judge

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