

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3

4 DONTÉ LOFTON,

Case No. 3:22-cv-00206-ART-CSD

5 v.

Plaintiff,

ORDER

6 ELY STATE PRISON, et al.,

7 Defendants.

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9 **I. DISCUSSION**

10 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by
11 an individual who has been released from the custody of the Nevada Department of
12 Corrections. Plaintiff submitted an application to proceed *in forma pauperis* for prisoners.
13 (ECF No. 3). Because Plaintiff is no longer in custody, the Court denies the application
14 to proceed *in forma pauperis* for prisoners as moot. The Court now directs Plaintiff to file
15 an application to proceed *in forma pauperis* by a non-prisoner within thirty (30) days from
16 the date of this order or pay the full filing fee of \$402. The Court will retain Plaintiff's civil
17 rights complaint (ECF No. 1-1) but will not file it until the matter of the payment of the filing
18 fee is resolved. If Plaintiff does not timely comply with this order, this action will be subject
19 to dismissal without prejudice

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21 **II. CONCLUSION**

22 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
23 *in forma pauperis* for prisoners (ECF No. 3) is DENIED as moot.

24 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
25 approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the
document entitled information and instructions for filing an *in forma pauperis* application.

26 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
27 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis* for
28 non-prisoners; or (2) pay the full filing fee of \$402.

1 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
2 this action will be subject to dismissal without prejudice.

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

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6 DATED THIS 19th day of September 2022.

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8 UNITED STATES MAGISTRATE JUDGE

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