

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONTE LOFTON,

Plaintiff,

v.

ELY STATE PRISON, et al.,

Defendants.

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

ORDER

I. DISCUSSION

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

II. CONCLUSION

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

IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the 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.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis* for 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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UNITED STATES MAGISTRATE JUDGE