

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	ROBERTO DURAND,	Case No. 3:22-cv-00276-MMD-CLB
4		ORDER
5	v.	
6	K CALDWELL,	
7		Defendant
8		

9 **I. DISCUSSION**

10 On June 27, 2022, this Court ordered Plaintiff to file a fully complete application to
11 proceed *in forma pauperis* ("IFP application") or pay the full \$402 filing fee for a civil action
12 on or before August 27, 2022. (ECF No. 3 at 2). On June 29, 2022, Plaintiff filed an
13 incomplete IFP application. (ECF Nos. 4.) As the Court stated in its previous order, to
14 be complete, an IFP application must include an inmate account statement for the
15 previous six-month period. Plaintiff has not submitted an inmate account statement with
16 his IFP application documents.

17 The Court denies Plaintiff's incomplete IFP application without prejudice. Because
18 it appears that an extension of the initial deadline and another court order are meaningful
19 alternatives to dismissal here, the Court will grant Plaintiff one final opportunity to submit
20 an inmate account statement for the previous six-month period to the Court on or before
21 **October 16, 2022**. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)
22 (providing that "district court need not exhaust every sanction short of dismissal before
23 finally dismissing a case, but must explore possible and meaningful alternatives").

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that Plaintiff's IFP application (ECF
26 No. 4) is denied without prejudice.

27 IT IS FURTHER ORDERED that on or before **October 16, 2022**, Plaintiff shall
28 either: (1) file a fully complete IFP application, on the correct form with complete financial

1 attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$402 fee for filing
2 a civil action (which includes the \$350 filing fee and the \$52 administrative fee).

3 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,
4 this case will be subject to dismissal without prejudice for Plaintiff to refile the case with
5 the Court, under a new case number, when Plaintiff is able to submit a fully complete
6 application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action.

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8 DATED: September 15, 2022



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10 UNITED STATES MAGISTRATE JUDGE
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