

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ROBERTO DURAND,

4 Plaintiff

Case No. 3:22-cv-00371-MMD-CLB

**ORDER**

5 v.

6 MARITZA,

7 Defendant

8  
9 **I. DISCUSSION**

10 On August 17, 2022, Plaintiff, an inmate in the custody of the Nevada Department  
11 of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and  
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s  
13 application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted a  
14 financial certificate or an inmate account statement for the previous six-month period with  
15 his application.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
17 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
18 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the  
19 inmate must submit all three of the following documents to the Court:

- 20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this  
21 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on  
22 page 3),  
23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
24 official (i.e. page 4 of this Court’s approved form), and  
25 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**  
26 **previous six-month period.**

27 Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis*  
28 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant

1 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*  
2 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete  
3 application to proceed *in forma pauperis* on or before **November 15, 2022**. Absent  
4 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff  
5 does not file a fully complete application to proceed *in forma pauperis* with all three  
6 required documents on or before **November 15, 2022**, this case will be subject to  
7 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is  
8 able to acquire all three of the documents needed to file a fully complete application to  
9 proceed *in forma pauperis* or pays the full \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
11 case with the Court, under a new case number, when Plaintiff has all three documents  
12 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
13 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
14 full filing fee of \$402 on or before **November 15, 2022**, to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court  
16 will not file the complaint unless and until Plaintiff timely files a fully complete application  
17 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## 18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
20 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
21 application to proceed *in forma pauperis* with all three documents.

22 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
23 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
24 document entitled information and instructions for filing an *in forma pauperis* application.

25 IT IS FURTHER ORDERED that on or before **November 15, 2022**, Plaintiff will  
26 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and  
27 the \$52 administrative fee) or file with the Court:

28 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this

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Court's approved form (i.e. pages 1 through 3 of the form 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.**

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action on or before **November 15, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing fee.

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

DATED: September 15, 2022

  
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UNITED STATES MAGISTRATE JUDGE