

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JARRIEL SCOTT,

4 Plaintiff

Case No. 3:22-cv-00402-MMD-CSD

ORDER

5 v.

6 WARDEN, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 On September 8, 2022, Plaintiff, an inmate in the custody of the Nevada
11 Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C.
12 § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1).
13 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff’s financial
14 certificate is incomplete (Plaintiff wrote in “N/A” on the lines designated for an authorized
15 officer), and Plaintiff did not submit an inmate account statement for the previous six-
16 month period with his application.

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

21 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this
22 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on
23 page 3),

24 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
25 official (i.e. page 4 of this Court’s approved form), and

26 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
27 **previous six-month period.**

28 Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis*

1 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant
2 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*
3 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete
4 application to proceed *in forma pauperis* on or before **November 15, 2022**. Absent
5 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff
6 does not file a fully complete application to proceed *in forma pauperis* with all three
7 required documents on or before **November 15, 2022**, this case will be subject to
8 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is
9 able to acquire all three of the documents needed to file a fully complete application to
10 proceed *in forma pauperis* or pays the full \$402 filing fee.

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

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

19 **II. CONCLUSION**

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

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

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

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


UNITED STATES MAGISTRATE JUDGE