

1 UNITED STATES DISTRICT COURT
2
3 DISTRICT OF NEVADA4 DAYSEAN JENKINS,
5 Plaintiff,
6 v.
7 NORTHERN NEVADA CORRECTIONAL
8 CENTER, et al.,
Defendants.

Case No.: 3:22-cv-00461-MMD-CLB

ORDER
(ECF No. 1)

I. DISCUSSION

Pro se plaintiff, an inmate in the custody of the Nevada Department of Corrections, has submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1.) But Plaintiff did not sign either the complaint or the application to proceed *in forma pauperis*. (ECF Nos. 1-1 at 6, 1 at 3.) Under Rule 11 of the Federal Rules of Civil Procedure, a plaintiff who is not represented by counsel is required to sign every pleading that he files. Fed. R. Civ. P. 11(a). “The court must strike an unsigned paper unless the omission is promptly corrected after being called to the . . . party’s attention.” Fed. R. Civ. P. 11(a).

The Court denies Plaintiff’s unsigned application to proceed *in forma pauperis* without prejudice. The Court will give Plaintiff until **December 21, 2022**, to file a signed application to proceed *in forma pauperis*. The Court will also give Plaintiff until **December 21, 2022**, to file a signed first amended complaint. If Plaintiff does not file a signed application to proceed *in forma pauperis*, and a signed first amended complaint, by **December 21, 2022**, this case will be subject to dismissal without prejudice.

I. CONCLUSION

It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

It is further ordered that Plaintiff has until **December 21, 2022**, to either pay the full \$402 filing fee or file a signed application to proceed *in forma pauperis*.

It is further ordered that Plaintiff has until **December 21, 2022**, to file a signed first amended complaint.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a signed complaint and a file a signed application to proceed *in forma pauperis* or pay the required filing fee.

The Clerk of the Court is directed to send Plaintiff Daysean Jenkins the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same.

The Clerk of the Court is directed to send Plaintiff Daysean Jenkins the approved form for filing a § 1983 complaint, instructions for the same, and a copy of his original complaint (ECF No. 1-1). If Plaintiff chooses to file a signed first amended complaint, he should use the approved form and he will write the words "First Amended" above the words "Civil Rights Complaint" in the caption.

DATED THIS 21st day of November 2022.



UNITED STATES MAGISTRATE JUDGE