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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

MARSCEL CARROLL,

Plaintiff

Case No. 3:24-CV-00204-LRH-CLB

v.

**ORDER TO EITHER PAY FILING FEE OR  
FILE COMPLETE APPLICATION TO  
PROCEED *IN FORMA PAUPERIS***

KENDRA MITCHELL, *et. al.*,

Defendants.

10 **I. DISCUSSION**

11 On May 8, 2024, Plaintiff Marscel Carroll (“Carroll”), an inmate in the custody of  
12 the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint with  
13 the Court. (ECF No. 1-1.) Carroll also submitted an application to proceed *in forma*  
14 *pauperis*, (ECF No. 1), however the application is incomplete.

15 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to  
16 begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file  
17 the civil action without prepaying the full \$405 filing fee. To apply for *in forma pauperis*  
18 status, the inmate must submit all three of the following documents to the Court:

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

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

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

26 Because Carroll’s application to proceed *in forma pauperis* is incomplete, it is  
27 denied, with leave to refile. The Court will grant Carroll a **one-time** opportunity to file a  
28 fully complete application to proceed *in forma pauperis* containing all three of the required

1 documents, or in the alternative, pay the full \$405 filing fee for this action on or before  
2 **Monday, June 24, 2024**. Absent unusual circumstances, the Court will not grant any  
3 further extensions of time.

4 If Carroll is unable to file a fully complete application to proceed *in forma pauperis*  
5 with all three required documents or pay the full \$405 filing fee on or before **Monday,**  
6 **June 24, 2024**, this case will be subject to dismissal without prejudice for Carroll to file a  
7 new case with the Court when Carroll is either able to acquire all three of the documents  
8 needed to file a fully complete application to proceed *in forma pauperis* or pays the full  
9 \$405 filing fee.

10 A dismissal without prejudice means Carroll does not give up the right to refile the  
11 case with the Court, under a new case number, when Carroll has all three documents  
12 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Carroll  
13 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
14 full filing fee of \$405 on or before **Monday, June 24, 2024** to proceed with this case.

## 15 **II. CONCLUSION**

16 For the foregoing reasons, **IT IS ORDERED** that Carroll's incomplete application  
17 to proceed *in forma pauperis*, (ECF No. 1), is **DENIED with leave to refile**.

18 **IT IS FURTHER ORDERED** that the Clerk of the Court will **SEND** Carroll the  
19 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
20 document entitled information and instructions for filing an *in forma pauperis* application.

21 **IT IS FURTHER ORDERED** that on or before **Monday, June 24, 2024**, Carroll will  
22 either pay the full \$405 filing fee for a civil action (which includes the \$350 filing fee and  
23 the \$55 administrative fee) or file with the Court:

24 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
25 Court's approved form (i.e., pages 1 through 3 of the form with the inmate's two  
26 signatures on page 3),

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

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(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 Carroll does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$405 filing fee for a civil action on or before **Monday, June 24, 2024**, this case will be subject to dismissal without prejudice for Carroll to refile the case with the Court, under a new case number, when Carroll has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$405 filing fee.

**IT IS SO ORDERED.**

**DATED:** May 10, 2024

  
**UNITED STATES MAGISTRATE JUDGE**