

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 PAUL GARDNER,

Case No. 3:24-cv-00277-MMD-CLB

4 Plaintiff,

ORDER

5 v.

6 NAPHCARE, INC.et al.,

7 Defendants.
8

9 **I. DISCUSSION**

10 Plaintiff Paul Gardner filed a civil rights complaint alleging that his rights were
11 violated during his detention at Washoe County Detention Facility ("WCDF"). (ECF No.
12 1-1). Based on the allegations in the complaint, it appears that Plaintiff has been released
13 from custody, and WCDF's online inmate search does not list Plaintiff as a current
14 detainee. (*Id.* at 8). Plaintiff has paid the \$405 filing fee in full. (ECF No. 1).

15 Federal courts must conduct a preliminary screening in any case in which an
16 incarcerated person seeks redress from a governmental entity or officer or employee of
17 a governmental entity. See 28 U.S.C. § 1915A(a). However, it appears that Plaintiff was
18 no longer incarcerated when he filed the complaint. As such, the screening requirements
19 of 28 U.S.C. § 1915A do not apply to this case. See *Olivas v. Nevada ex rel. Dep't of*
20 *Corr.*, 856 F.3d 1281, 1284 (9th Cir. 2017) (holding "that a court may screen a complaint
21 pursuant to 28 U.S.C. § 1915A only if, at the time the plaintiff files the complaint, he is
22 'incarcerated or detained'").

23 Federal courts must also conduct a preliminary screening in any case in which the
24 plaintiff proceeds *in forma pauperis*. 28 U.S.C. § 1915(e)(2)(B)(i)-(iii); See *Lopez v.*
25 *Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (holding that this screening procedure applies
26 to all actions filed *in forma pauperis*, whether or not the plaintiff is incarcerated). However,
27 in this case, Plaintiff has paid the filing fee in full.

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Because Plaintiff is not currently incarcerated, and he has paid the \$405 filing fee in full, this case is removed from the screening pool and will proceed according to standard litigation practices.

II. CONCLUSION

IT IS THEREFORE ORDERED that the Court will not screen the complaint, and this case will proceed along a standard litigation track.

DATED THIS 8th day of July 2024.


UNITED STATES MAGISTRATE JUDGE