

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Christian Ray Villaverde v. Las Vegas Metropolitan Police
Department, et al.

Case No. 2:25-cv-02313-ART-MDC · No. 2:25-cv-02313-ART-MDC · Decided December 18, 2025

SUMMARY

The United States District Court for the District of Nevada denied Christian Ray Villaverde’s application to proceed in forma pauperis and motion for early discovery without prejudice. The court found that the plaintiff’s financial information was insufficient to determine eligibility for in forma pauperis status and directed him to submit the court-approved Long Form application or pay the filing fee by January 19, 2026. Early discovery was denied because the complaint had not yet been screened.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 18, 2025
DOCKET	2:25-cv-02313-ART-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff moved to proceed in forma pauperis and sought early discovery before screening of the complaint. The district court denied both requests without prejudice.
STANDARD OF REVIEW	The court exercised discretion to evaluate the sufficiency of the IFP application and applied Federal Rule of Civil Procedure 26(d)(1) to the request for pre-conference discovery.
PRECEDENTIAL VALUE	Unpublished district-court order; no precedential status identified.
PARTIES	Christian Ray Villaverde v. Las Vegas Metropolitan Police Department, et al.

TOPICS

- discovery dispute
- civil procedure
- civil rights

PRACTICE AREAS

- Civil procedure
- Civil rights litigation
- In forma pauperis applications
- Pre-suit discovery

QUESTIONS PRESENTED

1. Whether plaintiff's typed in forma pauperis application adequately demonstrated that he was unable to pay the filing fee.
2. Whether plaintiff was entitled to obtain early discovery before the parties' Rule 26(f) conference and before the court screened the complaint.

HOLDINGS

1. The application was insufficient to establish plaintiff's eligibility for in forma pauperis status because the reported lack of income and assets was not reconciled with his claimed monthly expenses and living arrangement.
2. The motion for early discovery was properly denied without prejudice because discovery generally may not be obtained before the Rule 26(f) conference without a court order, and the court had not yet screened the complaint.

KEY QUOTATIONS

“An applicant need not be destitute to qualify for a waiver of costs and fees, but he must demonstrate that because of his poverty he cannot pay those costs and still provide himself with the necessities of life.” (at 1)

“A party is generally not permitted to obtain discovery without a court order before the parties have conferred pursuant to Federal Rule of Civil Procedure 26(f).” (at 3)

FACTUAL BACKGROUND

Plaintiff submitted a typed application stating that he was unemployed, had a negative bank balance, possessed no assets, owed approximately \$31,100 in loans, and incurred about \$800 per month in bills. He also stated that he lived with his family but did not explain how he paid those bills despite reporting no income or assets. The court concluded that the information was insufficient to determine whether plaintiff qualified for in forma pauperis status.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights action accompanied by an application to proceed in forma pauperis and a motion for early discovery. The court found that the application did not provide enough information to determine plaintiff's financial eligibility and denied it without prejudice, granting leave to submit the court-approved Long Form or pay the filing fee. Because the IFP application was denied and the complaint had not yet been screened, the court also denied early discovery without prejudice.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1235 (9th Cir. 2015)

- *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948)
- *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)
- *Marin v. Hahn*, 271 Fed. App'x 578 (9th Cir. 2008)
- *Harper v. San Diego City Admin. Bldg.*, No. 16cv00768 AJB (BLM), 2016 U.S. Dist. LEXIS 192145, at 1 (S.D. Cal. June 9, 2016)
- *Kennedy v. Huibregtse*, 831 F.3d 441, 443-44 (7th Cir. 2016)
- *Greco v. NYE Cty. Dist. Judge Robert Lane*, No. 2:15CV01370MMDPAL, 2016 WL 7493981, at 3 (D. Nev. Nov. 9, 2016), report and recommendation adopted sub nom. *Greco v. Lake*, No. 2:15CV001370MMDPAL, 2016 WL 7493963 (D. Nev. Dec. 30, 2016)
- *Thomas v. Arn*, 474 U.S. 140, 142 (1985)
- *Martinez v. Yist*, 951 F.2d 1153, 1157 (9th Cir. 1991)
- *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)

OPINION

UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 4 Christian Ray Villaverde, 2:25-cv-02313-ART-MDC 5 Plaintiff, ORDER DENYING APPLICATION TO 6 vs. PROCEED IN FORMA PAUPERIS (ECF NO. 2) AND DENYING MOTION FOR 7 EARLY DISCOVERY (ECF NO. 3) Las Vegas Metropolitan Police Department., et WITHOUT PREJUDICE 8 al., 9 Defendants. 10 11 Pro se plaintiff Christian Ray Villaverde filed an Application to Proceed in Forma Pauperis 12 (“IFP”) and a Motion for Early Discovery (“Motion”).

ECF Nos. 2 and 3. The Court DENIES plaintiff’s 13 IFP application and the Motion without prejudice. The Court gives plaintiff leave to refile a new IPF on 14 the Court’s approved Long Form as directed below. 15 I. LEGAL STANDARD 16 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of fees or 17 security thereof” if the plaintiff submits a financial affidavit that demonstrates the plaintiff “is unable to 18 pay such fees or give security therefor.” The Ninth Circuit has recognized that “there is no formula set 19 forth by statute, regulation, or case law to determine when someone is poor enough to earn IFP status.” 20 21 *Escobedo v. Applebees*, 787 F.3d 1226, 1235 (9th Cir.

2015). An applicant need not be destitute to 22 qualify for a waiver of costs and fees, but he must demonstrate that because of his poverty he cannot pay 23 those costs and still provide himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & 24 Co.*, 335 U.S. 331, 339 (1948). 25 The applicant's affidavit must state the facts regarding the individual's poverty “with some particularity, definiteness and certainty.” *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir.

1981) 1 (citation omitted). If an individual is unable or unwilling to verify his or her poverty, district courts have 2 the discretion to make a factual inquiry into a plaintiff's financial status and to deny a request to proceed 3 4 in forma pauperis. See, e.g., *Marin v. Hahn*, 271 Fed.Appx. 578 (9th Cir. 2008) (finding that the district 5 court did not abuse its discretion by denying the

plaintiff's request to proceed IFP because he "failed to 6 verify his poverty adequately"). "Such affidavit must include a complete statement of the plaintiff's 7 personal assets." *Harper v. San Diego City Admin.*

Bldg., No. 16cv00768 AJB (BLM), 2016 U.S. Dist. 8 LEXIS 192145, at 1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient grounds in 9 themselves for denying an in forma pauperis application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441, 443- 10 44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on in forma 11 pauperis application).

12 The District of Nevada has adopted three types of IFP applications: a "Prisoner Form" for 13 incarcerated persons and a "Short Form" (AO 240) and "Long Form" (AO 239) for non-incarcerated 14 persons. The Long Form requires more detailed information than the Short Form.

The court typically 15 does not order an applicant to submit the Long Form unless the Short Form is inadequate, or it appears 16 17 that the plaintiff is concealing information about his income for determining whether the applicant 18 qualifies for IFP status. When an applicant is specifically ordered to submit the Long Form, the correct 19 form must be submitted, and the applicant must provide all the information requested in the Long Form 20 so that the court is able to make a fact finding regarding the applicant's financial status.

See e.g. *Greco v. 21 NYE Cty. Dist. Jude Robert Lane*, No. 215CV01370MMDPAL, 2016 WL 7493981, at 3 (D. Nev. Nov. 22 9, 2016), report and recommendation adopted sub nom. *Greco v. Lake*, No. 215CV001370MMDPAL, 23 2016 WL 7493963 (D. Nev. Dec. 30, 2016). 24 // 25 2 II. PLAINTIFF'S IFP APPLICATION 1 Plaintiff filed his own typed IFP form, which he titled AO 239. ECF No. 2.

Plaintiff states that he 2 is unemployed. Id. He states that he has a negative bank balance. Id. He states he has no assets and about 3 4 \$800 a month in bills. Id. He also states that he owes \$31,100 in loans. Id. 5 Plaintiff states that he lives with his family, but he does not explain how he pays \$800 a month in 6 bills given that he has no income or assets.

The Court cannot determine if plaintiff qualifies for IFP 7 status. The Court will allow plaintiff another opportunity to show that he qualifies for IFP status. 8 Plaintiff must submit the Court's approve Long Form application. Plaintiff may not alter the Court's 9 long form or submit a document other than the Court's approved Long Form. Plaintiff must answer all 10 questions on the long form with detailed explanations about his income and expenses.

Plaintiff cannot 11 leave any questions blank or respond that a question is "N/A" without an explanation. In response to 12 question eleven on the long form, plaintiff must explain in detail why he cannot afford the filing fee. 13 III. MOTION FOR EARLY DISCOVERY 14 A party is

generally not permitted to obtain discovery without a court order before the parties 15 have conferred pursuant to Federal Rule of Civil Procedure 26(f).

FED. R. CIV. P. 26(d)(1). Since the 16 17 Court denies plaintiff's IFP application and has not yet screened the complaint, the Court denies 18 plaintiff's request for early discovery without prejudice, with leave to amend if plaintiff's case survives 19 screening. 20 IT IS SO ORDERED THAT: 21 1. Plaintiff's Application To Proceed In Forma Pauperis (ECF No.2) is DENIED without 22 prejudice.

23 2. Plaintiff's Motion for Early Discovery (ECF No. 3) is DENIED without prejudice. 24 25 3 3. By January 19, 2026, plaintiff shall either (1) file the long form application to proceed in forma 5 pauperis as specified in the Court's order or (2) plaintiff must pay the full fee for filing a civil 3 action. 4 4. Failure to timely comply with this Order may result in a recommendation that this case be 5 dismissed with prejudice.

4 -_ 6 It is so ordered. A ff a " 7 DATED December 18, 2025. fob My ' 10 11 NOTICE 12 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and '3 || recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2.

The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues 9 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the 50 District Court.

Martinez v. Yist, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.* 31 || 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiffs must immediately file written 29 || notification with the court of any change of address.

The notification must include proof of service upon 23 || each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. 24 || Failure to comply with this rule may result in dismissal of the action. 25