

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PRECEDENTIAL VALUE	Unpublished district-court order; no precedential status identified.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)

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