

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

OPINION

Villaverde

PER CURIAM.

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 the discretion to make a factual inquiry into a plaintiff's financial status and to deny a request to proceed in forma pauperis. See, e.g., *Marin v. Hahn*, 271 Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not abuse its discretion by denying the plaintiff's request to proceed IFP because he "failed to verify his poverty adequately"). "Such affidavit must include a complete statement of the plaintiff's 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 themselves for denying an in forma pauperis application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441, 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on in forma pauperis application). The District of Nevada has adopted three types of IFP applications: a "Prisoner Form" for incarcerated persons and a "Short Form" (AO 240) and "Long Form" (AO 239) for non-incarcerated persons. The Long Form requires more detailed information than the Short Form. The court typically does not order an applicant to submit the Long Form unless the Short Form is inadequate, or it appears that the plaintiff is concealing information about his income for determining whether the applicant qualifies for IFP status. When an applicant is specifically ordered to submit the Long Form, the correct form must be submitted, and the applicant must provide all the information requested in the Long Form so that the court is able to make a fact finding regarding the applicant's financial status. See e.g. *Greco v. NYE Cty.* Dist. Judge Robert Lane, No. 215CV01370MMDPAL, 2016 WL 7493981, at 3 (D. Nev. Nov. 22, 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 is unemployed. *Id.* He states that he has a negative bank balance. *Id.* He states he has no assets and about \$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 approved 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.

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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