

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Lamar Wyse v. NMI Holdings, Inc., et al.

Wyse · No. 2:25-cv-02224-ART-MDC · Decided December 18, 2025

OPINION

UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 4 Lamar Wyse, 2:25-cv-02224-ART-MDC 5 Plaintiff, ORDER DENYING APPLICATION TO 6 vs. PROCEED IN FORMA PAUPERIS (ECF NO. 1) AND DENYING MOTION FOR PRO 7 SE LITIGANT TO FILE NMI Holdings, Inc., et al., ELECTRONICALLY (ECF NO. 5) 8 Defendants. WITHOUT PREJUDICE 9 10 Pro se plaintiff Lamar Wyse filed an Application to Proceed in Forma Pauperis (“IFP”) and a 11 Motion for Pro Se Litigant to File Electronically (“Motion”).

ECF Nos. 1 and 5. The Court DENIES 12 plaintiff’s IFP application and the Motion without prejudice, with leave to refile. 13 I. LEGAL STANDARD 14 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of fees or 15 security thereof” if the plaintiff submits a financial affidavit that demonstrates the plaintiff “is unable to 16 pay such fees or give security therefor.” The Ninth Circuit has recognized that “there is no formula set 17 forth by statute, regulation, or case law to determine when someone is poor enough to earn IFP status.” 18 *Escobedo v. Applebees*, 787 F.3d 1226, 1235 (9th Cir.

2015). An applicant need not be destitute to 19 20 qualify for a waiver of costs and fees, but he must demonstrate that because of his poverty he cannot pay 21 those costs and still provide himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & 22 Co.*, 335 U.S. 331, 339 (1948). 23 The applicant's affidavit must state the facts regarding the individual's poverty “with some 24 particularity, definiteness and certainty.” *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir.

1981) 25 (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 1 in forma pauperis. See, e.g., *Marin v. Hahn*, 271 Fed.Appx. 578 (9th Cir. 2008) (finding that the district 2 court did not abuse its discretion by denying the plaintiff's request to proceed IFP because he “failed to 3 4 verify his poverty adequately”). “Such affidavit must include a complete statement of the plaintiff's 5 personal assets.” *Harper v. San Diego City Admin.*

Bldg., No. 16cv00768 AJB (BLM), 2016 U.S. Dist. 6 LEXIS 192145, at 1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient grounds in 7 themselves for denying an in forma pauperis application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441, 443- 8 44 (7th Cir. 2016)

(affirming dismissal with prejudice after litigant misrepresented assets on in forma pauperis application).

10 The District of Nevada has adopted three types of IFP applications: a “Prisoner Form” for 11 incarcerated persons and a “Short Form” (AO 240) and “Long Form” (AO 239) for non-incarcerated 12 persons. The Long Form requires more detailed information than the Short Form.

The court typically 13 does not order an applicant to submit the Long Form unless the Short Form is inadequate, or it appears 14 that the plaintiff is concealing information about his income for determining whether the applicant 15 qualifies for IFP status. When an applicant is specifically ordered to submit the Long Form, the correct 16 17 form must be submitted, and the applicant must provide all the information requested in the Long Form 18 so that the court is able to make a fact finding regarding the applicant's financial status.

See e.g. *Greco v. 19 NYE Cty. Dist. Judge Robert Lane*, No. 215CV01370MMDPAL, 2016 WL 7493981, at 3 (D. Nev. Nov. 20 9, 2016), report and recommendation adopted sub nom. *Greco v. Lake*, No. 215CV001370MMDPAL, 21 2016 WL 7493963 (D. Nev. Dec. 30, 2016). 22 II. PLAINTIFF'S IFP APPLICATION 23 Plaintiff filed the short form IFP application. ECF No. 1. Plaintiff states that he is unemployed.

24 Id. He states that he has \$25 in the bank. Id. He states he has no assets and about \$2,400 a month in bills. 25 2 Id. He also states that he pays about \$900 a month in credit card loans. Id. 1 Plaintiff does not explain how he pays \$2,400 a month in bills and \$900 a month in credit card 2 bills given that he states he has no income or assets.

The Court cannot determine if plaintiff qualifies for 3 4 IFP status. The Court will allow plaintiff another opportunity to show that he qualifies for IFP status. 5 Plaintiff must submit the long form application. Plaintiff must answer all questions on the long form 6 with detailed explanations about his income and expenses. Plaintiff cannot leave any questions blank or 7 respond that a question is “N/A” without an explanation.

In response to question eleven on the long 8 form, plaintiff must explain in detail why he cannot afford the filing fee. 9 III. MOTION FOR PRO SE LITIGANT TO FILE ELECTRONICALLY 10 Federal Rule of Civil Procedure 5(d)(3)(B) allows a person not represented by an attorney to file 11 and sign documents electronically if allowed by court order or local rule.

Under Local Rule IC 2-1(b), a 12 pro se litigant may request the Court's authorization to register as a filer in a specific case. Since the 13 Court denies plaintiff's IFP application and has not yet screened the complaint, the Court denies 14 plaintiff's request to file electronically without prejudice, with leave to amend if plaintiff's case survives 15 screening.

16 17 IT IS SO ORDERED THAT: 18 1. Plaintiff's Application To Proceed In Forma Pauperis (ECF No.1) is DENIED without 19 prejudice. 20 1. Plaintiff's Motion for Pro Se Litigant to File Electronically (ECF No. 5) is DENIED without 21 prejudice. Plaintiff may renew his request to file electronically if his case survives screening. 22 2. By January 19, 2026, plaintiff shall either (1) file the long form application to proceed in forma 23 pauperis as specified in the Court's order or (2) plaintiff must pay the full fee for filing a civil 24 action.

25 3 3. Failure to timely comply with this Order may result in a recommendation that this case be 5 dismissed with prejudice. Ay _ 3 It is so ordered. Aff a 4 DATED December 18, 2025. Ab / A L Hon. ane D CowYillier TT 6 United St&es Magisfrate Judge g NOTICE 9 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and 10 || recommendations issued by the magistrate judge.

Objections must be in writing and filed with the Clerk 11 || of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal 12 |! may determine that an appeal has been waived due to the failure to file objections within the specified '3 |Itime. Thomas v. Arn, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file 4 objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.

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). Pursuant to LR IA 3-1, plaintiffs must immediately file written 9 notification with the court of any change of address.

The notification must include proof of service upon 50 each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. 31 || Failure to comply with this rule may result in dismissal of the action. 22 23 24 25