

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Bieler v. W.C.D.F., et al.

Case No. 3:25-cv-00587-ART-CLB (D. Nev. Dec. 31, 2025) · No. 3:25-cv-00587-ART-CLB · Decided

December 31, 2025

SUMMARY

The United States District Court for the District of Nevada denies Timothy William Bieler's incomplete application to proceed in forma pauperis without prejudice. The court gives him until January 30, 2026, to pay the \$405 filing fee or submit a complete IFP application, and to file a signed civil-rights complaint. The court also cautions him that duplicative litigation may be dismissed as malicious and may result in strikes under the Prison Litigation Reform Act.

OPINION

2 DISTRICT OF NEVADA 3 * * * 4 TIMOTHY WILLIAM BIELER, Case No. 3:25-cv-00587-ART-CLB 5 Plaintiff, ORDER v. 6 W.C.D.F., et al., 7 Defendants. 8 9 Plaintiff Timothy William Bieler initiated this civil-rights case under 42 U.S.C. § 10 1983 by filing an application to proceed in forma pauperis ("IFP"), a motion to dismiss 11 state criminal proceedings, and a motion for injunctive relief related to state criminal 12 proceedings and/or his detention pursuant to those proceedings.

(ECF Nos. 1, 1-1, 2.) 13 There are two issues with Plaintiff's filings. First, he did not submit a complaint. Second, 14 his IFP application is incomplete because it is not accompanied by a completed financial 15 certificate or a copy of his inmate trust fund account statement for the prior six-month 16 period.

The Court will deny Plaintiff's IFP application without prejudice and give Plaintiff 17 an opportunity to correct these deficiencies by January 30, 2026. The Court also cautions 18 Plaintiff against pursuing duplicative litigation. 19 I. DISCUSSION 20 A. Plaintiff Must Address the Matter of the Filing Fee 21 This Court must collect filing fees from parties initiating civil actions.

28 U.S.C. § 22 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which 23 includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any 24 person who is unable to prepay the fees in a civil case may apply to the court for leave to 25 proceed in forma pauperis." LSR 1-1.

For an inmate to apply for IFP status, the inmate 26 must submit all three of the following documents to the Court: (1) a completed 27 Application to Proceed in Forma Pauperis for Inmate, which is pages 1–3 of the 28 Court's approved form, that is properly signed by the inmate twice

on page 3; (2) a 2 properly signed by both the inmate and a jail or prison official; and (3) a copy of the 3 inmate's jail or prison trust fund account statement for the previous six-month 4 period.

See 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. IFP status does not relieve inmates of 5 their obligation to pay the filing fee, it just means that an inmate can pay the fee in 6 installments. See 28 U.S.C. § 1915(b). 7 B. Plaintiff Must Submit a Complaint 8 “A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 9 3. “A civil-rights complaint filed by a person who is not represented by an attorney must 10 be submitted on the form provided by this court or must be legible and contain 11 substantially all the information called for by the court's form.” LSR 2-1.

And because 12 Plaintiff is representing himself, he must personally sign every filing he submits to the 13 Court. See Fed. R. Civ. P. 11(a). 14 C. Plaintiff Should Not Pursue Duplicative Lawsuits 15 As noted in a recent order entered by another judge of this Court,¹ Plaintiff has 16 filed at least 10 cases in this district since his arrest in June 2025 challenging matters like 17 the fact of his arrest and detention, events that allegedly happened during his arrest and 18 detention, and/or events that allegedly happened during his pending state criminal 19 proceedings.

See *Bieler v. State of Nev.*, Case No. 3:25-cv-00417-ART-CSD (filed Aug. 20 11, 2025); *Bieler v. State of Nev.*, Case No. 3:25-cv-00449-ART-CSD (filed Aug. 25, 21 2025); *Bieler v. State of Nev.*, Case No. 3:25-cv-00582-MMD-CSD (filed Oct. 16, 2025); 22 *Bieler v. W.C.D.F.*, Case No. 3:25-cv-00587-ART-CLB (filed Oct. 17, 2025); *Bieler v. 23 State of Nev.*, Case No. 3:25-cv-00619-ART-CSD (filed Oct.

30, 2025); *Bieler v. State of 24 Nev.*, Case No. 3:25-cv-00645-ART-CSD (filed Nov. 12, 2025); *Bieler v. State of Nev.*, 25 Case No. 3:25-cv-00652-ART-CLB (filed Nov. 13, 2025); *Bieler v. State of Nev.*, Case 26 No. 3:25-cv-00655-ART-CSD (filed Nov. 14, 2025); *Bieler v. State of Nev.*, Case No. 3:25- 27 28 1 See *Bieler v. State of Nev.*, Case No. 3:25-cv-00645-ART-CSD, ECF No. 5 at 2–3 2 MMD-CSD (filed Dec.

4, 2025). 3 Plaintiff is cautioned that duplicative litigation by a plaintiff proceeding in forma 4 pauperis may be dismissed as malicious under 28 U.S.C. § 1915(e) and constitute a strike 5 under the Prison Litigation Reform Act (“PLRA”). See *Cato v. United States*, 70 F.3d 1103, 6 1105 n.2 (9th Cir. 1995) (collecting cases). Prisoners accrue a strike under the PLRA by 7 filing, while detained or incarcerated, a civil lawsuit or appeal in federal court that is 8 dismissed as frivolous, malicious, or for failing to state a claim.

28 U.S.C. § 1915(g). 9 Prisoners with three such strikes may not proceed in forma pauperis in later actions 10 absent allegations showing “the prisoner is under imminent danger of serious physical 11 injury.” 28 U.S.C. § 1915(g); accord *Andrews v. Cervantes*, 493 F.3d 1047, 1055–56 (9th 12 Cir. 2007). 13 If Plaintiff believes that he is needlessly pursuing duplicative lawsuits, and no party 14 has served an answer or motion for summary judgment, then he may file a notice

under 15 Federal Rule of Civil Procedure 41(a)(1)(A)(i) voluntarily dismissing a later-filed 16 duplicative lawsuit.

See *Duke Energy Trading & Marketing, LLC v. Davis*, 267 F.3d 1042, 17 1049 (9th Cir. 2001) (explaining that Rule 41(a)(1)(i) dismissal has the effect that no case 18 was brought). 19 II. CONCLUSION 20 Accordingly, IT IS ORDERED that Plaintiff's incomplete IFP application (ECF No. 21 1) is DENIED without prejudice. 22 IT IS FURTHER ORDERED that Plaintiff has until January 30, 2026, to either pay 23 the full \$405 filing fee or file a new fully complete IFP application with all three required 24 documents: (1) a completed IFP application with the inmate's two signatures on page 3, 25 (2) a financial certificate that is properly signed both by the inmate and jail official, and (3) 26 a copy of the inmate's trust fund account statement for the previous six-month period.

27 IT IS FURTHER ORDERED that Plaintiff has until January 30, 2026, to submit a 28 signed complaint in this case. 1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if 2 || he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to 3 || refile the case with the Court, under a new case number, when Plaintiff can submit a 4 || complaint.

5 The Clerk of Court is directed to send Plaintiff (1) this Court's approved 42 U.S.C. 6 || § 1983 complaint form with instructions and (2) this Court's approved IFP application for 7 || an inmate with instructions. 8 IT IS SO ORDERED. 9 DATED: December 31, 2025. 10 ' 11 1 UNITED STATES' MAGISTRATE JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28