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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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OCTOBER 13, 2021	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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IN RE: PROCEDURAL RULES FOR NON-HABEAS CIVIL INMATE FILINGS

GENERAL ORDER NO. 2021-05

***Pro Se* Inmate Non-Habeas Civil Rights Filings**

In order to assist *pro se* inmates litigating non-habeas civil rights cases and to increase the efficiency and effectiveness of the limited public resources devoted to the management and adjudication of these cases, the United States District Court for the District of Nevada (the "Court") finds it appropriate to implement these filing procedures.

Below are general procedures that apply to all non-habeas civil filings (paper and electronic) of *pro se* inmates and their opponents (whether *pro se* or represented) in federal, state, or county custody.

1. Filing Fee for a Civil Action

- a. The filing fee for a non-habeas civil rights complaint is \$402. This includes the \$350 filing fee and the \$52 administrative fee that is due when the plaintiff submits his or her complaint in this Court.
- b. If the plaintiff is unable to pay all of the fee when he or she submits his or her complaint, the plaintiff must file an application to proceed *in forma pauperis* for inmates with the required attachments. Either the full filing fee or a complete application to proceed *in forma pauperis* must accompany each complaint; otherwise, the complaint will not be filed or addressed by the Court.
- c. If the plaintiff files an application to proceed *in forma pauperis*, he or she

1 must submit a complete *in forma pauperis* application for an inmate, a copy
2 of his or her inmate trust account statement for the past six months from the
3 prison or jail, and a properly executed financial certificate attesting to the
4 inmate's financial resources signed by an authorized officer at the prison or
5 jail.

- 6 d. If *in forma pauperis* status is granted, the plaintiff may or may not be
7 required to pay an initial installment of the filing fee. However, the prison or
8 jail where the plaintiff is housed at will be ordered to forward payments from
9 the plaintiff's account to the Clerk of the Court in the amount of 20% of the
10 preceding month's deposits (in months that the account exceeds \$10.00)
11 until the full \$350 filing fee has been paid for the action. In the event that the
12 action is dismissed, the full filing fee of \$350 (but not the administrative fee
13 of \$52) must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

14 **2. The Initial Complaint and Amended Complaints**

- 15 a. The initial complaint or any amended complaint may **not** be more than 30
16 pages long.
- 17 b. It is not necessary to attach exhibits or affidavits to the complaint or any
18 amended complaint. Rather, the complaint or any amended complaint must
19 sufficiently state the facts and claims without reference to exhibits or
20 affidavits. Failure to state the facts and claims within the body of the
21 complaint or amended complaint, without reference to any attached exhibits
22 or affidavits, may result in dismissal.
- 23 c. If a plaintiff believes he or she needs to file a complaint or amended
24 complaint that is more than 30 pages long, he or she must file a motion
25 seeking permission to exceed the page limit that explains why 30 pages is
26 insufficient to state the plaintiff's claims. A motion to exceed 30 pages must
27 not be longer than 3 pages long. The Court looks with disfavor on motions
28 to exceed page limits, so permission to do so will not be routinely granted.

1 LR 7-3(c).

2 d. Ordinarily, multiple plaintiffs cannot bring claims in the same complaint or
3 amended complaint. In order for more than one plaintiff to bring a claim in
4 the same complaint, all plaintiffs must meet the requirements found in
5 Federal Rule of Civil Procedure 20(a)(1). This means that at least one claim
6 of all plaintiffs “aris[es] out of the same transaction, occurrence, or series of
7 transactions or occurrences” and raises “a question of law or fact” common
8 to all plaintiffs.

9 e. A plaintiff may bring claims against multiple defendants in a single complaint
10 or amended complaint, but to do so the plaintiff must meet the requirements
11 in Federal Rule of Civil Procedure 20(a)(2). This means that at least one
12 claim against all defendants must “aris[e] out of the same transaction,
13 occurrence, or series of transactions or occurrences” and raise “a question
14 of law or fact common to all defendants.” Claims that do not meet these
15 standards must be filed in separate lawsuits.¹

16 f. When the plaintiff files a complaint or amended complaint, the claims for
17 relief must meet the requirements in Federal Rule of Civil Procedure 8(a)(2).
18 This requires the complaint or amended complaint contain a **short and**
19 **plain statement** of the facts that support the claim, which if ultimately
20 proven, would result in the plaintiff being entitled to some form of relief. The
21 facts must be stated simply, clearly, and concisely. The complaint is subject
22 to screening pursuant to 28 U.S.C. § 1915A(a) by the Court to determine
23 whether any claim(s) may proceed.

24 g. Any post-screening motion to amend a complaint must comply with the
25 requirements of Federal Rule of Civil Procedure 15(a) and Local Rule 15-

26
27 ¹See, e.g., *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (holding in PLRA
28 context: “A buckshot complaint that would be rejected if filed by a free person—say, a suit
complaining that A defrauded the plaintiff, B defamed him, C punched him, D failed to pay
a debt, and E infringed his copyright, all in different transactions—should be rejected if
filed by a prisoner.”).

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1(a). Screening of any amended complaint may take many months due to the number of inmate civil rights cases currently awaiting screening.

h. Post-answer, the failure of a served defendant to respond to a motion to amend will be reviewed in accordance with Local Rule 7-2, which states that the failure of an opposing party to file an opposition to a motion constitutes consent to the granting of the motion.

3. Motions

a. Except as otherwise stated in this General Order, pursuant to Local Rule 7-3, motions for summary judgment and responses to motions for summary judgment are limited to 30 pages. Replies in support of motions for summary judgment are limited to 20 pages. All other motions and responses to motions are limited to 24 pages. All other replies are limited to 12 pages.

b. When a motion is filed, the opposing party may file **one** response, usually an opposition. After a response to a motion is filed, the party who filed the motion may file a reply in support of the motion. No other documents, such as supplements or responses to the reply, may be filed unless the Court grants permission to do so.

c. Parties need not include a “standard of law” section in a response to a motion if it repeats the standard of law stated in the underlying motion. Instead, the party responding to a motion may state their agreement with that standard.

d. Parties must **not** file “notices” or “letters” with the Court unless it is to notify the Court of procedural changes such as changes of address or notices of a change in counsel. Parties must **not** use notices or letters to ask the Court to rule on a motion. A request for the Court to rule on something must be filed as a motion. Improperly filed “notices” or “letters” will be stricken from the docket.

e. Declarations, affidavits and exhibits are to be filed only as attachments in

1 support of a motion, a response to a motion, or a reply in support of a
2 motion. Declarations, affidavits, and exhibits that are not filed in support a
3 motion, a response to a motion, or a reply to a motion may **not** be filed.

4 f. No party may file a motion if he or she has another motion on the same
5 subject matter already pending before the Court. Motions submitted in
6 violation of this General Order may be struck or may be summarily denied.

7 g. Pursuant to Local Rule 7-2, the failure of an opposing party to file an
8 opposition to any motion, except a motion under Federal Rule of Civil
9 Procedure 56, constitutes a consent to the granting of the motion.

10 **4. Emergency Motions**

11 a. An emergency motion must comply with this General Order and Local Rule
12 7-4. This means the party filing the motion must attach a declaration that
13 explains why there is an emergency and what efforts were taken to meet
14 and confer with the opposing party in good faith prior to filing the motion.

15 b. An emergency motion and response may be no more than 24 pages long.
16 LR 7-3(b). Reply is limited to 12 pages. Attached exhibits will not count
17 towards the page limit.

18 c. If a party needs to file an emergency motion that is longer than 24 pages,
19 he or she must submit a motion seeking permission to exceed the page limit
20 and demonstrate the grounds for the need to exceed the page limit which
21 must not be longer than 3 pages. The Court looks with disfavor on motions
22 to exceed page limits, so permission to do so will not be routinely granted.
23 LR 7-3(c).

24 **5. Discovery**

25 a. A scheduling order and discovery plan will be issued in each case. These
26 orders are designed to make prisoner litigation more disclosure-oriented
27 and less discovery-oriented, based on the Court's experience that: (1)
28 defendants in prisoner lawsuits tend to hold a disproportionate share of the

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information and items relevant to a lawsuit; and (2) prisoners often
propound discovery that is disproportionate to the needs of the case.

DATED THIS 13th Day of October 2021.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE