



Hafner v. Nevada Governor Joe Lombardo et al

2024 | Cited 0 times | D. Nevada | May 7, 2024

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

*** Eric Hafner,

Plaintiff, v. Nevada Governor Joe Lombardo; et al.,

Defendants.

Case No. 2:24-cv-00743-RFB-DJA

Order

This matter is before the Court on pro se Plaintiff Eric Hafner's emergency application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 4). Plaintiff has submitted the application, but has not completed the financial certificate or submitted an inmate account statement. Plaintiff nonetheless asks the Court to consider his application on an emergency basis.

Plaintiff explains that he has had difficulty obtaining his account statement in a timely fashion from the prison and that he needs emergency relief because he wishes to be on the voting ballot in June. He asserts that "[i]f the case does not move forward immediately – and quickly, it is certain that I will be kept off the ballot, and the 2024 Nevada Democratic Party Primary will take place without my candidacy." (Id. at 6). However, the candidate filing deadline closed on March 15, 2024 at 5:00 p.m., which closure Plaintiff's complaint—filed April 9, 2024—acknowledges. (ECF No. 1-1 at 11); see NEVADA SECRETARY OF STATE, Filing for Non-Judicial

Office, <https://www.nvsos.gov/sos/elections/candidate-information/filing-for-non-judicial-office> (last visited May 7, 2024).

Plaintiff has not explained whether he can join the ballot late despite missing the candidate filing deadline. And Plaintiff has not filed a motion for preliminary injunction. Thus, it appears that regardless of whether the Court screens Plaintiff's complaint on an expedited basis, Plaintiff will not join the June 2024 ballot. Even if the Court did screen Plaintiff's complaint on an expedited basis, Plaintiff would still need to serve the Defendants and the Defendants would be entitled to at least



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twenty-one days after service to file a responsive pleading. This process would not be complete before early voting begins on May 25, 2024 or before the June 11, 2024 Primary Election.

The Court thus declines to determine Plaintiff's application to proceed in forma pauperis before other applications that have been waiting for screening. The Court also notes that Plaintiff is still obligated to file an inmate account statement and completed financial certificate. Given the difficulty Plaintiff has faced in obtaining this certificate, the Court will grant him until June 6, 2024 to file these documents, which would complete his application.

IT IS THEREFORE ORDERED that the Court will not determine Plaintiff's application to proceed in forma pauperis on an emergency basis. IT IS FURTHER ORDERED that Plaintiff shall have until June 6, 2024 to file a completed financial certificate and financial statement. Plaintiff is advised that failure to comply with this order will result in a recommendation to the district judge that the case be dismissed. The Clerk of Court is kindly directed to send Plaintiff a copy of this order.

DATED: May 7, 2024

DANIEL J. ALBREGTS

UNITED STATES MAGISTRATE JUDGE

