

*Steven D. Grierson*

78005

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

CANDICE K. TOWNER,  
Plaintiff,

vs.

FREDERICK O. SILVER,  
Defendant.

CASE NO.: D-18-565588-C  
DEPARTMENT H

**FILED**

MAY 03 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

NOTICE OF ENTRY OF ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take notice that the Filing in Response to Nevada Supreme Court's Order Directing Entry and Transmission of Written Order was prepared and filed by the court. A copy of the Order is attached hereto, and the following is a true and correct copy thereof.

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**RECEIVED**

MAY 02 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

19-19578


1 I hereby certify that on or about the file stamp date the foregoing Notice of Entry of  
2 Order was:

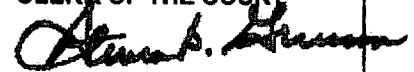
3 ☒ E-Served pursuant to NEFCR 9; placed in attorney folder(s) at the RJC; or  
4 mailed to proper person litigants, via first-class mail, postage fully prepaid to:

5 Mary Perry, Esq. and  
6 Emily McFarling, Esq. for  
7 PLAINTIFF

Frederick O. Silver  
P.O. Box 276353  
San Antonio, TX 78227  
DEFENDANT

8 ✓ Supreme Court of the State of Nevada  
9 Attn: Elizabeth A. Brown  
201 S. Carson St. #201  
Carson City, NV 89701

10   
11 Katrina Rausch  
12 Judicial Executive Assistant  
13 Department H  
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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

CANDICE K. TOWNER,

Plaintiff,

vs.

FREDERICK O. SILVER,

Defendant.

CASE NO. D-18-565588-C  
DEPT. NO. H

CANDICE KATIE TOWNER,

Petitioner,

vs.

FREDERICK OMOYUMA SILVER,

Respondent.

CASE NO. R-17-196685-R

Date of Hearing: N/A  
Time of Hearing: N/A

**FILING IN RESPONSE TO NEVADA SUPREME COURT'S ORDER  
DIRECTING ENTRY AND TRANSMISSION OF WRITTEN ORDER**

This filing is made in response to an Order Directing Entry and  
Transmission of Written Order filed by the Nevada Supreme Court on April 18,  
2018, which was received by Department H on April 24, 2018, in Case No. 77787

1 and Case No. 78067. The Nevada Supreme Court directed the district court to  
2 enter a written order, or provide a copy of an order already entered concerning  
3 Mr. Silver's applications to proceed in forma pauperis.  
4

5 **CASE NO. D-18-565588-C**

6 Frederick Silver filed an Application to Proceed in Forma Pauperis on June  
7  
8 22, 2018. Mr. Silver reported income from employment of \$1,400.00 per month  
9 as an assembly worker. No supporting documentation was provided. The court  
10 considered the ex parte application and granted a waiver of the filing fee for the  
11 responsive pleading only. This Order to Proceed in Forma Pauperis was filed on  
12 July 3, 2018, and is attached as Exhibit 1 to this filing.  
13

14 **CASE NO. R-17-196685-R**

15 Frederick Silver filed an Application to Proceed in Forma Pauperis on  
16 January 17, 2019. Mr. Silver reported income from employment of \$1,680.00 per  
17 month as a production team member with Toyota. No supporting documentation  
18 was provided. This application was referred to Department H by the court clerk.  
19  
20 The court entered a written Decision and Order Regarding Application to Proceed  
21 in Forma Pauperis on February 6, 2019, and is attached as Exhibit 2.  
22 Specifically, the court found that the application lacked sufficient proof. The  
23 family support case contained findings made at a hearing on May 1, 2017, that  
24 Mr. Silver earned \$18.00 per hour, or \$3,120.00 gross monthly income.  
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1 In reviewing this case following a receipt of Order Directing Entry and  
2 Transmission of Written Order filed by the Nevada Supreme Court on April 18,  
3 2018, the court noted that Frederick Silver filed another Application to Proceed in  
4 Forma Pauperis in R-17-196685-R on February 13, 2019. The information in this  
5 application is the same as the information that was provided in the January 17,  
6 2019, application. Mr. Silver reported income from employment of \$1,680.00 per  
7 month as a production team member with Toyota. No supporting documentation  
8 was provided. Because this matter is on appeal, and because the February 13,  
9 2019, application was not referred to the district court, no order was entered. The  
10 Application filed on February 13, 2019, contains the same information as the  
11 Application filed on January 17, 2019.  
12

13 The district court has discretion to grant or deny these applications. This  
14 court considered the application, and concludes that Frederick Silver failed to  
15 provide facts with particularity concerning income, property, and other resources  
16 which established that Mr. Silver is unable to pay the costs related to his appeals.  
17 This court concludes that Mr. Silver's Application to Proceed in Forma Pauperis  
18 in R-17-196685-R filed on February 13, 2019, lacks merit and should be denied.  
19

20 Therefore,  
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**IT IS HEREBY ORDERED** that Frederick Silver's Application to Proceed in Forma Pauperis in R-17-196685-R filed on February 13, 2019, is denied.

DATED this 29 day of April, 2019.

  
DISTRICT COURT JUDGE  
T ART RITCHIE, JR.

OIFP

Name: Frederick O Silver  
Address: P.O BOX 276353  
City, State, Zip: SAN ANTONIO TX 78227  
Phone: 210-803-2299  
Email: ASCLV1@gmail.com  
Self-Represented

FILED  
JUL 3 2018  
CLERK'S OFFICE

DISTRICT COURT  
CLARK COUNTY, NEVADA

Candice Katie Towner  
Plaintiff,  
vs.  
Frederick O Silver  
Defendant.

CASE NO.: D-18-585588-C  
DEPT: H

Order to Proceed in Forma Pauperis

Upon consideration of the movant's Application to Proceed in Forma Pauperis, and it appearing that there is not sufficient income, property, or resources with which to maintain the action, and good cause appearing therefore:

IT IS HEREBY ORDERED that (name) Frederick O Silver

shall be permitted to proceed In Forma Pauperis with this action pursuant to the terms of this Order.

*Whereof filing fee only, subject to order to pay at a later date*

IT IS FURTHER ORDERED that if the above-named party prevails in this action,

the Court shall enter an order pursuant to NRS 12.015 requiring the opposing party to pay the Court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

01 7 11

D-18-585588-C  
OIFP  
Order to Proceed in Forma Pauperis  
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8 11

OF THE COURT

**IT IS FURTHER ORDERED** that the above-named party shall be permitted to commence or defend the action without costs. The Clerk of Court shall file or issue any necessary writ, process, pleading, or paper without charge.

**IT IS FURTHER ORDERED** that the Sheriff or other appropriate officer within this State shall make personal service of any necessary writ, pleading, or paper without charge.

**IT IS FURTHER ORDERED** that this Order shall not apply to costs for transcripts or recordings of court proceedings. A separate application and order shall be required to waive any such fees.

**IT IS FURTHER ORDERED** that this Order shall expire one year from the date the Order is filed. The party shall be required to reapply for any further waiver after this Order expires.

DATED this 2 day of July, 2018

  
DISTRICT COURT JUDGE  
T ART RITCHIE, JR.

Respectfully Submitted:

(Signature) 

(Printed Name) Frederick O Silver

In Proper Person



*Heather L. Smith*  
CLERK OF THE COURT

1 ORDR

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**DISTRICT COURT**

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**CLARK COUNTY, NEVADA**

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9 CANDICE K. TOWNER, )

10 Plaintiff, )

11 )

12 vs. )

13 )

14 FREDERICK O. SILVER, )

15 Defendant. )

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CASE NO. R-17-196685-R  
DEPT. NO. "H"

**DECISION AND ORDER**  
**REGARDING APPLICATION**  
**TO PROCEED**  
**IN FORMA PAUPERIS**

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Date of Hearing: N/A

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Time of Hearing: N/A

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This matter is on appeal with the Nevada Supreme Court. Frederick Silver filed a Notice of Appeal on December 19, 2018, and on January 29, 2019. On January 17, 2019, Frederick Silver filed an Application to Proceed in Forma Pauperis in Case R-17-196685-R. The application was referred to Department H by the clerk of the court. This Department is responsible for hearing objections to recommendation made by child support hearing masters in this child support case. Since this matter did not come to the department as a recommendation or as an

1 objection to a recommendation, and because the matter was on appeal, this  
2 Department did not rule on the merits of the application. On or about February 5,  
3 2019, a court clerk contacted the law clerk for Department H, and reported that an  
4 order was required on the application. Because a forma pauperis application may  
5 still be pending in the district court because an order has not been entered, and to  
6 avoid further delay in the evaluation of the matter on appeal, this court prepared  
7 this order to resolve Frederick Silver's Application to Proceed in Forma Pauperis  
8 filed on January 17, 2019. This written order is entered to memorialize the  
9 denial of the ex-parte application.

13 This application was submitted for ex-parte consideration by the court.  
14 This court reviewed the application and supporting affidavit pursuant to EDCR  
15 2.23 (c) and NRS 12.015.

17 This court reviewed the application and supporting affidavit on its  
18 chambers calendar pursuant to EDCR 2.23 (c) and NRS 12.015.

19 EDCR 2.23 (c) provides impertinent part:

21 (c) The judge may consider the motion on the merits at any time with  
22 or without oral argument, and grant or deny it.

23 NRS 12.015 Indigent litigants: Waiver of costs and official fees; effect of  
24 filing affidavit of indigency, provides:

25 1. Any person who desires to prosecute or defend a civil action may:

1 (a) File an affidavit with the court setting forth with particularity  
2 facts concerning his income, property and other resources which  
3 establish that he is unable to prosecute or defend the action because  
4 he is unable to pay the costs of so doing; or

5  
6 (b) Submit a statement or otherwise indicate to the court that he is  
7 a client of a program for legal aid.  
8

9 2. If the court is satisfied that a person who files an affidavit pursuant  
10 to subsection 1 is unable to pay the costs of prosecuting or defending  
11 the action or if the court finds that a person is a client of a program  
12 for legal aid, the court shall order:  
13

14 (a) The clerk of the court:

15 (1) To allow the person to commence or defend the action  
16 without costs; and  
17

18 (2) To file or issue any necessary writ, process, pleading or  
19 paper without charge.  
20

21 (b) The sheriff or other appropriate public officer within this State  
22 to make personal service of any necessary writ, process,  
23 pleading or paper without charge.  
24

25 3. If the person is required to have proceedings reported or recorded, or  
26 if the court determines that the reporting, recording or transcription  
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1 of proceedings would be helpful to the adjudication or appellate  
2 review of the case, the court shall order that the reporting, recording  
3 or transcription be performed at the expense of the county in which  
4 the action is pending but at a reduced rate as set by the county.  
5

6 4. If the person prevails in the action, the court shall enter its order  
7 requiring the losing party to pay into court within 5 days the costs  
8 which would have been incurred by the prevailing party, and those  
9 costs must then be paid as provided by law.  
10

11 5. Where the affidavit establishes that the person is unable to defend an  
12 action, the running of the time within which to appear and answer or  
13 otherwise defend is tolled during the period between the filing of the  
14 affidavit and the ruling of the court thereon.  
15

16 6. An affidavit filed pursuant to this section, and any application or  
17 request for an order filed with the affidavit, does not constitute a  
18 general appearance before the court by the affiant or give the court  
19 personal jurisdiction over him.  
20

21 7. The order of the court to which application is made pursuant to this  
22 section is not appealable.  
23

24 8. As used in this section, "client of a program for legal aid" means a  
25 person:  
26  
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1 (a) Who is represented by an attorney who is employed by or  
2 volunteering for a program for legal aid organized under the  
3 auspices of the State Bar of Nevada, a county or local bar  
4 association, a county or municipal program for legal services  
5 or other program funded by this State or the United States to  
6 provide legal assistance to indigent persons; and  
7

8  
9 (b) Whose eligibility for such representation is based upon  
10 indigency.  
11

12 (Added to NRS by 1967, 1209; A 1989, 201; 1991, 455; 2005, 197)


13 The district court has discretion to grant or deny these applications. This  
14 court considered the motion and supporting documents, and concludes that  
15 Frederick Silver failed to provide facts with particularity concerning income,  
16 property, and other resources which established that Mr. Silver is unable to pay  
17 the costs related to his appeal. Specifically, this court did not find that the  
18 application justified causing the taxpayers of Clark County, Nevada, to pay for  
19 this appeal of the judgment entered in this child support case. Specifically, Mr.  
20 Silver reported income from employment of \$1,680.00 per month as a production  
21 Team Manager with Toyota. The application did not attach documents showing  
22 income, such as paycheck stubs or earning statements. Findings from the R-  
23 Case hearings show that Frederick Silver had been employed in other jobs in  
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1 2017, earning \$18.00 per hour, or \$3,120.00 per month. This concludes that a  
2 waiver of fees and costs has not been justified in this case because there is an  
3 insufficient showing that he is indigent and unable to pay the filing fee for this  
4 appeal. This court concludes that Frederick Silver's application to proceed in  
5 forma pauperis lacks merit and should be denied.  
6

7  
8 Furthermore, Frederick Silver may seek forma pauperis status from the  
9 appellate court if he can show that he is indigent, and incapable of providing the  
10 record to be reviewed on appeal. Therefore,  
11

12 **IT IS HEREBY ORDERED** that Frederick Silver's Application to  
13 Proceed in Forma Pauperis filed on January 17, 2019, is denied.  
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15 DATED this 18<sup>th</sup> day of February, 2019.  
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20 DISTRICT COURT JUDGE  
21 T. ARTHUR RITCHIE, JR.  
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