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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN SCOTT DAVIS,
Petitioner,
vs.
STATE OF NEVADA, *et al.*,
Respondents.

2:11-cv-01334-KJD-RJJ
ORDER

Petitioner has submitted documents to the court in which he appears to challenge his criminal conviction in state court. (ECF Nos. 1, 2.) Accordingly, the court construes this action as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner’s application to proceed *in forma pauperis* (ECF No. 1) is incomplete. The application does not include a financial certificate signed by an authorized prison or jail officer nor does it provide the necessary financial information regarding petitioner’s prison account. The application will be denied, without prejudice, on that basis.

Petitioner will be granted time to do one of the following: (1) pay the \$5.00 filing fee, or (2) file a fully completed application to proceed *in forma pauperis* on the correct form, including the financial

1 certificate signed by an authorized prison or jail officer. The clerk will be ordered to provide petitioner
2 with the correct form for an application to proceed *in forma pauperis*.

3 Additionally, the petition for writ of habeas corpus submitted in this action is not written on the
4 form required by this court for petitioners proceeding *pro se*. A *pro se* habeas corpus petitioner is
5 required to use the court's approved form for filing actions pursuant to 28 U.S.C. § 2254. Local Rules
6 of Special Proceedings 3-1. The court will provide petitioner with the approved form for filing a *pro*
7 *se* habeas corpus petition. Petitioner shall be allowed an additional period of time within which to file
8 with the court a proposed habeas corpus petition using the form provided by the court. If petitioner fails
9 to provide the court with his petition using the court approved forms, this action may be dismissed and
10 closed.

11 **IT IS THEREFORE ORDERED** that petitioner's motion for leave to proceed *in forma*
12 *pauperis* (ECF No. 1) is **DENIED without prejudice**.

13 **IT IS FURTHER ORDERED** that the clerk shall send to petitioner a new motion for leave to
14 proceed *in forma pauperis* form and instructions therefor. Petitioner shall have **thirty (30) days** from
15 the date of entry of this order within which to file an amended motion for leave to proceed *in forma*
16 *pauperis*. Alternatively, petitioner shall have **thirty (30) days** from the date of entry of this order within
17 which to have the full \$5.00 filing fee sent to the clerk. Petitioner's failure to either submit a fully
18 completed motion for leave to proceed *in forma pauperis* or the filing fee may result in the dismissal of
19 this action.

20 **IT IS FURTHER ORDERED** that the clerk shall send petitioner two copies of this order. If
21 petitioner chooses not to submit a new motion for leave to proceed *in forma pauperis*, then petitioner
22 is ordered to make the necessary arrangements to have one copy of this order attached to the check in
23 the amount of the full \$5.00 filing fee within **thirty (30) days** from the date of entry of this order.

24 **IT IS FURTHER ORDERED** that the clerk shall send petitioner a set of forms for filing § 2254
25 actions in this court, together with instructions for filing such forms. Petitioner shall have **forty-five**
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1 (45) days from the date of the entry of this order within which to file a revised petition using only the
2 court approved form. If petitioner fails to comply with this directive, this action shall be dismissed and
3 closed.

4 Dated this 30 day of January, 2012.

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6 UNITED STATES DISTRICT JUDGE
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