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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KENNETH COUNTS,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents.


2:11-cv-01571-GMN-GWF

ORDER

Petitioner has submitted a habeas corpus petition pursuant to 28 U.S.C. § 2254, but has neither paid the required filing fee nor filed an appropriate motion for leave to proceed *in forma pauperis*. The petition cannot be filed without either payment of the required filing fee or a grant of leave to proceed *in forma pauperis* based on a fully complete motion. Petitioner shall be sent the correct pauper form for use should he wish to file a motion for leave to proceed *in forma pauperis* in this action. Accordingly, Petitioner shall be given leave to proceed *in forma pauperis* on a temporary basis.

IT IS THEREFORE ORDERED that the Clerk shall send to petitioner a set of forms for a motion to proceed *in forma pauperis*. Petitioner shall have thirty (30) days from the date of the entry of this order within which to either pay the required filing fee, or file a fully and properly completed motion for leave to proceed *in forma pauperis*. The failure to timely do so will result in the dismissal of this action.

DATED this 13th day of February, 2013.



Gloria M. Navarro
United States District Judge