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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN ROBERT DEMOS, JR.,

Petitioner,

vs.

U.S. SECRETARY OF DEFENSE, *et al.*,

Respondents.

2:13-cv-00126-JCM-GWF

ORDER

Petitioner, an inmate in Washington state custody, has submitted an application (#1) to proceed *in forma pauperis* and a habeas petition.

The action is subject to multiple substantial defects.

The matter has not been properly commenced because the pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, the petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate. Petitioner did not attach an inmate account statement.

Petitioner has been informed of these requirements and provided the forms and instructions in multiple prior actions in this court. *See, e.g.*, No. 3:11-cv-00591-ECR-VPC; No. 2:13-cv-00025-GMN-GWF.

Moreover, in all events, even if petitioner's petition with regard to his 1978 Washington state conviction were timely and brought in the proper forum against proper respondents, his fanciful tale of, *inter alia*, his abduction by aliens from the seventh dimension is frivolous on its face.

1 The application therefore will be denied, and the present action will be dismissed
2 without prejudice.

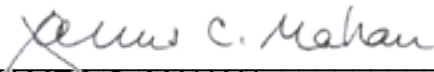
3 IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis*
4 is DENIED and that this action shall be DISMISSED without prejudice.

5 IT FURTHER IS ORDERED that a certificate of appealability is DENIED as jurists of
6 reason would not find the dismissal of this improperly commenced and frivolous action without
7 prejudice to be debatable or incorrect.

8 The clerk of court shall enter final judgment accordingly, dismissing this action without
9 prejudice.

10 DATED: February 1, 2013.

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JAMES C. MAHAN
United States District Judge