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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GEORGE BRASS, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 BRIAN WILLIAMS, SR., *et al.*, )  
 )  
 Respondents. )  
 )  
 \_\_\_\_\_ )

2:13-cv-02020-GMN-VCF  
**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the petition. Petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*.

Due to the defects presented, the pauper application will be denied, and the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, plaintiff at all times remains responsible for calculating the running of the limitations period as applied to his case and properly commencing a timely-filed habeas corpus action.

**IT THEREFORE IS ORDERED** that this action is **DISMISSED** without prejudice to the filing of **a new petition in a new action**.

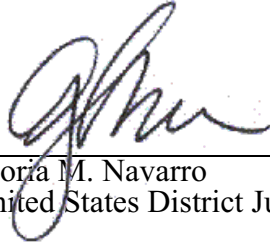
**IT FURTHER IS ORDERED** that the Clerk of the Court shall send petitioner two copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two copies of a blank 28 U.S.C. § 2254 habeas petition form, one copy of instructions for the same, and one copy of the papers submitted at ECF No. 1.

**IT IS FURTHER ORDERED** that petitioner may file a new petition in a new action, but he may not file further documents in this action.

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**IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

**DATED** this 7th day of November, 2013.



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Gloria M. Navarro  
United States District Judge