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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PETER HOLLAND,)
)
 Petitioner,)
)
 vs.)
)
 STATE OF NEVADA, *et al.*,)
)
 Respondents.)
 _____/

Case No. 2:14-cv-00044-APG-CWH

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 submit either 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.

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

IT IS FURTHER 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, and one copy of instructions for the same.

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.

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

Dated this 10th day of January, 2014.



UNITED STATES DISTRICT JUDGE