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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JORGE VAZQUEZ,  
Petitioner,  
vs.  
BRIAN E. WILLIAMS, *et al.*,  
Respondents.

Case No. 2:14-cv-01917-JAD-GWF  
**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. When filing a habeas corpus action, a petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*.

Due to the lack of an *in forma pauperis* application or filing fee, 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 IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of a new petition in a new action.

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**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, one copy of instructions for the same, and a copy of the documents received in this case at Doc. 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.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**. Reasonable jurists would not find the dismissal of the improperly-commenced action without prejudice to be debatable or wrong.

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

Dated this 18<sup>th</sup> day of November, 2014.

  
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UNITED STATES DISTRICT JUDGE